

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, October 28, 2020 at 7:00 PM  
Town Hall, McCourt Social Hall

RECEIVED

NOV 10 2020  
*S. Johnson*  
Spencer Town Clerk

**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: 305-506-485**

**TO LISTEN TO THE MEETING ONLY GO TO SCATV.ORG**

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

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

Commissioners Absent: Robert Perry

Staff present: George Russell, Jane Green  
Staff absent:

**Minutes Approved:** *A motion to approve the minutes of October 14, 2020 as amended (Emerson/Bellemer) passed 4/0 with a roll call vote: Snow-yes, Bellemer-yes, McLaughlin-yes, Emerson-yes.*

**Signed:** There were no items to be signed.

**7:08 p.m. 4.1 Continued the Public Hearing for the Notice of Intent for Bertin Engineering**

**Property: Charlton & Bacon Hill Roads, Spencer, MA DEP#293-0984**

Mr. Russell said that the review and the scope of services were done and sent to the Applicant, but we have not received the fee. It is recommended that this be continued until we receive the fee.

*At the request of the applicant, the hearing has been continued to November 18, 2020.*

**7:12 p.m. 4.2 Continued the Public Hearing for the Notice of Intent for Sunpin Energy Services**

**Property: 22 Norcross Road, Spencer, MA DEP#293-2996**

Mr. Russell said that the applicant requested a 6-month extension.

*At the request of the applicant, the hearing has been continued to April 14, 2021.*

**7:14 p.m. 4.3 Open the Public Meeting for the Request for Determination of Applicability for Larry Tomasino**

**Property: 98 Chickering Road, Spencer, MA**

Larry Tomasino joined the meeting. He told the Commission that the plan is to put steps and a walkway in from the back patio to the steps at the water's edge. Mr. Russell recommended the RDA with a negative # 3 with stipulations as outlined in the Agent's report.

*A motion to close the public meeting (Emerson/Snow) passed 4/0.*

*A roll call vote: Snow-yes, Bellemer-yes, McLaughlin-yes, Emerson-yes.*

*A motion for a negative #3 with stipulations in Agent's report (Snow/Bellemer) passed 4/0.*

*A roll call vote: Snow-yes, Bellemer-yes, McLaughlin-yes, Emerson-yes.*

**7:18 p.m. 4.4 Opened the Public Hearing for the Request to Amend the Order of Conditions for Joseph Zalieckas**

**Property: 57 Oakland Drive, Spencer, MA DEP#293-0974**

Glenn Krevosky joined the meeting and represented the applicant Joseph Zalieckas. The project is to replace a retaining wall. Mr. Russell said there was a procedural issue. He would recommend the Commission take a vote and decide if this should be a new NOI or an amendment, as per Commission/DEP policy. Ms. McLaughlin recused herself because she is an abutter.

*A vote for a motion to accept changes as an amendment (Snow/Emerson) passed 3/0.*

*A roll call vote: Snow-yes, Bellemer-yes, Emerson-yes.*

*A motion to close the public hearing (Bellemer/Emerson) passed 3/0.*

*A roll call vote: Snow-yes, Bellemer-yes, Emerson-yes.*

*A motion to approve the request (Snow/Bellemer) passed 3/0.*

*A roll call vote: Snow-yes, Bellemer-yes, Emerson-yes.*

**7:29 p.m. 4.5 Open the Public Hearing for the Notice of Intent for Ethan & Diana O'Brien**

**Property: 111 Wilson Avenue, Spencer, MA DEP# 293-2998**

Brian MacEwen, from Graz Engineering, joined the meeting to represent the owners.

The project is to replace the current structure with a single-family dwelling. Mr.

MacEwen revised the plans based on Mr. Russell's comments. Mr. Russell said that all his concerns were addressed, and he recommends the OofC be granted with stipulations in his report.

Ms. Emerson wanted to know what was going to happen to the house. Mr. MacEwen said that it is going to be demolished and removed. It is going to be on the same footprint. Ms. Emerson wanted to know what was going to happen to the land. Mr. MacEwen said it is going to be graded and restored to a lawn.

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

*A roll call vote: Snow-yes, Bellemer-yes, McLaughlin-yes, Emerson-yes.*

*A motion for approval with stipulations from Agent's Report (Snow/Bellemer) passed 4/0.*

*A roll call vote: Snow-yes, Bellemer-yes, McLaughlin-yes, Emerson-yes.*

**5.0 Other Business:**

**5.1 Sale of Chapter 61A Land-** Mr. Russell said the land is needed to complete the septic repair at 101 Wilson Ave.

*A motion to recommend the town not purchase the property (Emerson/Bellemer) passed 4/0.*

*A roll call vote: Snow-yes, Bellemer-yes, McLaughlin-yes, Emerson-yes.*

**5.2 51 Borkum Road – Discussion-** There was no discussion, no one called in from the public.

**5.3 3 Lake Whittemore- Request to extend OofC-** Mr. Russell said that this is for the ongoing routine maintenance of the Dam.

*A motion to grant the extension for three years (Snow/Emerson) passed 4/0.*

*A roll call vote: Snow-yes, Bellemer-yes, McLaughlin-yes, Emerson-yes.*

**5.4 4 Kingsbury Road – TV** Warren Snow said that the Television is still on the side of the road down the slope. Mr. Russell said that U & F was supposed to pick it up last week on Thursday. Mr. Snow said there are tires as well. People use it as a dumping ground. Mr. Russell will communicate with U&F again.

**6.0 Agent's Report:** Mr. Russell said that the office is running out of filing space. He asked the Commission if they would consider two copies of applications instead of three. We do not need three paper copies. The commission agreed to only require two copies. We also put a copy online. The office will prepare a legal notice because it is a requirement in the regulations and this needs a public hearing for an amendment.

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

New Applications:    37 Lakeshore Drive – CofC  
                              15 Washburn Terrace – RDA  
                              41 Lake Avenue – NOI  
                              6 Lamoureux Lane – RDA  
                              4 Wildwood Lane - NOI

*A motion to adjourn the meeting at 7:47 p.m. (Emerson/Bellemer) passed 4/0.*

Respectfully submitted by:

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Jane Green, Senior Clerk  
Development & Inspectional Services

Documents Reviewed at 10/28/20 Conservation Commission Meeting

Agent's Report 10/28/20

Minutes 10/14/20

Agenda 10/28/20

Conservation Commission Packets

Continuance form Charlton Bacon Hill Roads

Extended Order of Conditions 3 Lake Whittemore

RDA for 98 Chickering Road

Amended Order of Conditions 57 Oakland Drive

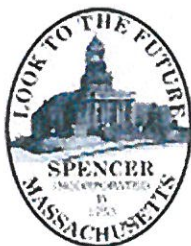
Order of Conditions 111 Wilson Ave

# 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  
Conservation Agent



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: 10/28/20

#### **4.0 PUBLIC HEARINGS:**

**Item 4.1.** Continued NOI Bacon Hill & Charlton Rd.: The application is going thru the subdivision process with the Planning Board since it does not meet the zoning regulations. It is my opinion that the plans will change again. Bearing in mind that this permit was filed in early February, we have not taken any testimony, we are now surpassing the timeline shown by the solar array application on Ash St.

The revised plans have been sent to our peer reviewer, but the scope of services has not yet been received. In light of this, as well as the above, I recommend that the hearing be once again continued.

**Item 4.2.** 22 Norcross NOI: This site previously had an ANRAD approved to delineate the wetlands. This permit is to change the access way and given that it involves a stream crossing, it has been sent out for peer review which is underway. I would recommend the hearing be continued until such time as peer review is complete and the Commission has had a chance to inspect the site.

I think it is important to note that the applicant has requested a 6 month extension on the hearing for this permit from the Planning Board.

**Item 4.3.** 98 Chickering RDA: this permit is to place a walkway and steps from the house to the steps leading into the water. The total area of disturbance is approximately



600 ft<sup>2</sup>. I would recommend a negative #3 with the following stipulations: 20 (without the engineer's certification), 27, 29, 34, 38, 44 & 54 if necessary.

**Item 4.4.** Request to Amend the Order of Conditions for Zalieckas 57 Oakland Drive: The amendment request has to do with rebuilding a retaining wall between 24 and 29 feet upgradient of the shoreline retaining wall, which was the subject of the original NOI. This shoreline wall work has been completed and the area is stable. I would recommend that under DEP Policy 85-4 that this request does not rise to the level of a new NOI and an amendment would be in order.

**Item 4.5.** 111 Wilson Ave. NOI: I have reviewed the plans, conducted a site visit and sent my comments to the project engineer. We do not yet have a DEP number so the hearing will need to be continued. When the Orders are issued, I would recommend stipulations: 20, 21, 23, 24, 27, 29, 30, 34, 37-41, 44, 47, & 51.

## **5.0 OTHER BUSINESS:**

**Item 5.1** Chapter 61A referral: This referral involves land that is related to an NOI issued by the Commission at their 9/26/20 meeting at 101 Wilson Ave. In order to get the septic installed, the owner is purchasing a property currently under Ch. 61A tax classification. The lot is for all intents and purposes, non-accessible. For these reasons, I would recommend that your recommendation to the BOS should be that the town not purchase the parcel.

**Item 5.2.** Discussion 51 Borkum: This has been requested by the residents of the area. I have included in your packets some background material on this site. The property owner has been notified via certified mail to comply with the Commission's policy.

**Item 5.3** Extension of OOC for Lake Whittemore Dam: This OOC is for on-going maintenance of the dam and I would recommend the extension for 3 years be granted.

## **6.0 AGENT REPORTS:**

**Item 6.1.** Under section 2.3.1.1 of the local regulations, three copies of all material required for an NOI must be submitted by the applicant. I would ask the Commission to consider changing this to only require two sets of all material, or 7 sets of all material. If the Commission members would like to receive a complete copy of the application before the meeting, seven sets should be submitted; if not, we only need two sets plus and electronic version.

It is my opinion, that we only need two sets for the office, especially since we are getting cramped for file space.

If the members wish to receive a copy of the applications, we can start mailing them before the meetings.

Either way, any change will require a public hearing.