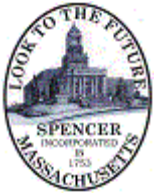


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, August 25, 2021 at 7:00 PM  
Town Hall, McCourt Social Hall

**If remote, please join the meeting from your computer, tablet or smartphone.**

<https://www.gotomeet.me/tmiller4/conservation>

**IN ORDER TO CALL IN, PLEASE CALL: 1-571-317-3122 AND USE ACCESS  
CODE: 454-205-589**

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

**PLEASE MUTE PHONES & TV'S AT ALL TIMES EXCEPT WHEN  
SPEAKING!**

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

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

Commissioners Absent: Robert Perry

Staff present: Lauren Trifone & Jane Green  
Staff absent:

**2.0 Minutes Approved:** *A motion to approve the minutes of August 11, 2021 as amended (Emerson/Bellemer) 4/0 passed.*

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

### **4.0 Public Hearings/Meetings**

#### **4.1 7:05 p.m. Continued the Public Hearing for Notice of Intent for Christine &**

**Edwin Mullen**

**Property: Lot 1 North Spencer Road, Spencer, MA DEP#293-0987**

The office received notification that the applicant is waiting on a wetland response letter from BCS Group.

*At the request of the applicant, the hearing has been continued to September 8, 2021.*

**4.2 7:07 p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour**

**Property: 10 Meadow Road, Spencer, MA DEP#293-1007**

The office received notification that the applicant wanted to continue the hearing.

*At the request of the applicant, the hearing has been continued to September 8, 2021.*

**4.3 7:09 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Kevin Kosakowski**  
**Property: 23 Sherman Grove, Spencer, MA**

Ms. Trifone said that she went to the site and the wattles had been installed and a boom was in the water. Mr. Kosakowski joined the meeting. Mr. Bellemer wanted to know if he dug a trench for the wattles. Mr. Kosakowski said that he did not dig a trench in the ground for the wattles, because it would disturb the ground more than the project itself. There was a discussion about the stakes being 7' apart and not 5'. Mr. Kosakowski said he bought all of the available stakes from Howe Lumber and would buy more when available. Mr. Kosakowski said that they decided not to grind the stumps.

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

*All in favor: Emerson-yes, Snow-yes, Bellemer-yes, McLaughlin-yes.*

*A motion for a negative #3 determination (Emerson/Snow) 4/0 passed.*

**5.0 Other Business:**

**5.1 10 Blueberry Hill Drive** – Ms. Trifone said there are no gutters on the plan. They did the roof differently. The water is coming down the driveway from 12 Blueberry Hill Drive. It isn't reaching the drain in front of their house at 10 Blueberry Hill Drive. Ms. Trifone suggested reaching out to the Engineer because the plan failed. Bill Cundiff, the U&F Superintendent, joined the meeting. He said that he went out and looked at it and spoke with the owner. The flow pattern has been like that for the past 50 years, since the sub-division was approved. He said the applicant built a garage right where this flow pattern is. There was a discussion about the pipe to help with drainage. Steve Tyler, a resident and former U&F Superintendent, discussed the history of this site. He said that a lot of contractors do horrible jobs with drainage. The Town is not responsible for the

drain. At the time, it was agreed that the town allowed him to relocate the drain if the town got an easement. There is a signed document in the files regarding this negotiation.

**5.2 Muzzy Pond project** – The gates were opened today because they are going to drain Muzzy Pond, so that they can replace the gate. They are hoping to begin the work on Monday. It should take about a week to complete.

**5.3 40 South Spencer Road** – Ms. Trifone said the owner wants to sell the property. Ms. Trifone said she walked the perimeter of the property. The vegetation is overgrown. The Commission looked at the plans. The basin was designed to allow vegetation to grow inside it.

*A motion to grant the Certificate of Compliance (Snow/Bellemer) 4/0 passed.  
All in favor: Bellemer-yes, Snow-yes, Emerson-yes, McLaughlin-yes.*

**5.4 28 South Spencer Road** – Ms. McLaughlin read the inspection report.

*A motion to grant the Certificate of Compliance (Emerson/Snow) 4/0 passed.  
All in favor: Snow-yes, Emerson-yes, Bellemer-yes, McLaughlin-yes.*

**5.5 3 Norcross Road** – The Commission looked at the photos. Ms. Trifone showed the Commission the inspection report.

*A motion to grant the request for Certificate of Compliance (Emerson/Snow) 4/0 passed.*

## **6.0 Agent's Report:**

**6.1 Paint Discussion** – Ms. Trifone said that she spoke with Lisa, the BOH Agent. If there is a legitimate paint spill, the school needs to notify DEP. Ms. Trifone said the paint is used for the lines on the sports field. Mr. Bellemer suggested that they should dry out the paint, then they can discard it.

**6.2 Westland Drive** – Ms. Trifone said that the fine that we sent for the \$300.00 cannot be enforced. She found out under the Town's general bylaws under Article 11, that the first violation should be \$50.00. Ms. Trifone consulted legal advice on this and was reassured that it was correct. If we have not heard from the violator after 15 days, then we send another fine.

**6.3 Article 32** – Ms. McLaughlin would like to get on the Warrant for Town Meeting to change the wording on Article 32.

**6.4 Permission to go on properties-** Ms. Trifone would like to create a form that gives permission to go on an applicant's property. It would be included in the NOI/RDA packets. She wanted to know what the Commission thought.

**6.5 Hastings Road** – The applicant filed for a driveway permit. Ms. Trifone took pictures. The water that is running into Turkey Hill Brook is clear. There are haybales behind the silt fence.

**6.6 9 Wilson Ave** – Ms. Trifone went out to see the work done on the wall. Back in March of 2021, Mr. Russell wanted the owners to apply for an RDA for the as-built. They have not applied for an RDA. Ms. Trifone will send a Notice of Violation.

**6.7 Inspections** – There was a discussion on how many members can go on site visits at the same time. There will be an upcoming training on this.

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

Charlton & Bacon Hill Roads – Continued to September 8, 2021

7.0 New Applications: 39 Chickering Road – NOI  
34 Lamoureux Lane – RDA  
33 Oakland Drive – RDA  
99 Lakeshore Drive – NOI  
124 North Spencer Road - NOI

8.0 *A motion to adjourn the meeting at 8:29 p.m. (Bellemer/Emerson) 4/0 passed.*

Respectfully submitted by:

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Jane Green, Senior Clerk  
Development & Inspectional Services

**Documents reviewed at the August 25, 2021 Conservation Commission Meeting**

Agenda 8/25/21

Minutes 8/11/21

Continuance Form Lot 1 North Spencer Road

Continuance Form 10 Meadow Road

RDA - 23 Sherman Grove

10 Blueberry Hill – File

Muzzy Pond – File

40 South Spencer Road – Certificate of Compliance

28 South Spencer Road – Certificate of Compliance

3 Norcross Road – Certificate of Compliance