

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, January 24, 2024 at 6:15 p.m.  
Town Hall, McCourt Social Hall

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

<http://meet.goto.com/spencerODIS/conservation>

IN-PERSON AND REMOTE MEETING

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

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

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1. The Meeting was opened at 6:15 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin, Dennis Shiver, Shannon Housh & Warren Snow (remote)

Staff present: Lauren Vivier & Jane Green

2. **Sign:** There are no documents to sign.

3. **Public Hearings/Meetings:**

**a. 6:15 p.m. Opened the Public Hearing for the Notice of Intent for the Estate of  
Maryellen Lindquist**

**Property: 21 Jolicoeur Avenue, Spencer, MA DEP#293-1067**

Jay Dubois, Engineer from D.C. Engineering & Survey, discussed the proposed replacement of the shoreline retaining wall. The wall will be placed in the same area as the previous one and will be the same size. There will be hydraulic equipment on site and

a boom. Ms. Vivier reminded the Commission about the NOV for work done by the bank last summer. DEP required that one condition be for the 25-ft no touch zone. Ms. McLaughlin read the inspection report. Ms. Vivier said that the septic was replaced in 2000.

James Gallagher, a resident at 11 Jolicoeur Ave, said that a drain was put in across the road about 15 years ago to mitigate the way the water was coming across the street. The ramp that had been installed is diverting all the water down the street. Mr. Bellemer wanted to know what the impact was from the work. Ms. McLaughlin said that houses are getting flooded. Mr. Gallagher said that three parking areas and a retaining wall are getting flooded as well. He said the drain hardly keeps up with the water. It has taken out his retaining wall and flooded his basement a few times. Ms. Emerson said that there has been a years' worth of rain in a half a year. It is out of ConCom's jurisdiction. Ms. Emerson suggested the neighbors get together to find a solution. Bob Fallon, a resident at 29 Jolicoeur Ave, said that he is concerned that his retaining wall will get affected. Mr. Dubois is aware of that and said that they will be careful when proceeding with the work. Nancy Berthiaume, a resident at 17 Jolicoeur, said that the water has been going through her stonewall and ends up in the basement. It has never done that before in all the years she has lived there. Ms. Vivier said that she will add this to her list of regular rotations. Susan Tee, a resident at 23 Jolicoeur Ave, wanted to show pictures of what her driveway ended up looking like after the water came down from the work being done. Mud and water ended up going down the walkway and into her house. Ms. Emerson said that DEP needs to see the pictures. Ms. McLaughlin reiterated that the work was done out of the buffer zone. She said that if it continues going down to the lake, then it is in ConCom's jurisdiction. There was a discussion about being out of jurisdiction versus in jurisdiction. Ms. McLaughlin said that the whole area is high. When water flows, it picks up momentum. A resident spoke up about living here for 70 years and that she has never seen this much water. The Commission agreed to the retaining wall.

*A motion for the 25-ft buffer waiver for 21 Jolicoeur Ave (Emerson/Bellemer) 6/0 passed.  
All in favor: Housh-yes, Bellemer-yes Emerson-yes, Shiver-yes, Snow-yes, McLaughlin-yes*

*A motion to close the public hearing (Emerson/Bellemer) 6/0 passed.*

*All in favor: Housh-yes, Bellemer-yes Emerson-yes, Shiver-yes, Snow-yes, McLaughlin-Yes*

*A motion to approve the NOI with conditions (Bellemer/Emerson) 6/0 passed.*

**b. 6:50 p.m. Continued the Public Meeting for the Request for Determination of Applicability for Walter Marhefka 76 Thompson Pond Road, Spencer, MA**

The applicant has requested to continue to February 28, 2024

*At the request of the applicant, the hearing has been continued to 2/28/24.*

**c. 6:54 p.m. Continued the Public Hearing for the Notice of Intent for Robert Lowell**

**Property: 92 McCormick Road, Spencer, MA no DEP# issue**

A DEP number has not been issued yet. Robert Lowell, Deputy Chief and Design Engineer for DCR, said that the project is for clean up at the former shotgun range at Camp Marshall. Brian Miller, LSP for CDW Consultants, discussed the work. DCR (Department of Conservation and Recreation) is under a time constraint by DEP to clean up the lead contaminated soils. This should allow DCR to connect to the Mid-State trail. For now, they plan on cleaning up a portion of the site near Turkey Hill Brook. They plan to excavate six inches equaling 125-cubic yards of soil . They will mix it with a powder in place and then the soil gets transported to a truck. If they have to get around trees, they will hand dig. Erosion controls and silt fence will be used. They will replace it with common fill and will loam the areas that are wooded. They discussed the access to the project. Mr. Bellemer wanted to know if there was going to be more removal of the soils in the future. Mr. Miller said that it is possible. Mr. Lowell said that it is mostly in the trail area and brook. If they got a low bid, they would be willing to do more work. Right now, they will be working in the area that comes in contact with people. Ms. Vivier said that the office received a complaint about the Seven-mile bridge falling apart. Mr. Lowell said that the bridge is not owned by DCR. He thinks it may have been put in by the Snowbird Club or Camp Marshall.

*At the request of the applicant, the hearing has been continued to February 14, 2024*

**d. 7:12 p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour**

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

Ms. Vivier said that Glenn Krevosky is still waiting on the DEP variance.

*At the request of the applicant, the hearing has been continued to April 24, 2024.*

**e. 7:13 p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour**

**Property: U24-17 Meadow Road, Spencer, MA DEP#293-1052**

Ms. Vivier said that Glenn Krevosky is still waiting on the DEP variance.

*At the request of the applicant, the hearing has been continued to April 24, 2024*

**4. Other Business:**

**a. Discussion: 1 Washburn Drive, Albert & Donna Starr:** The Starrs did not attend the meeting. Mr. Bellemer asked if there was a new date for the site visit. Ms. Vivier said the Starrs Attorney, Paula Miller, sent an email to arrange a site visit on a Saturday or Martin Luther King Day. That would not work. Ms. Vivier emailed Ms. Miller and asked if they

were going to file for a NOI. Ms. Vivier received no response. Ms. Vivier does not want the Commission to be caught up in legal issues.

**b. Discussion: 310 CMR 10.00: Wetlands Protection Act Amendment-**

Ms. Vivier said that there is a draft to the revision of The Wetlands Protection Act. She said that there are a lot of changes. Some of the changes are for more exemptions for minor activities such as vegetation management, shared use paths, bike paths and trimming and tree removal for dangerous and hazardous trees. Another exemption is for pavement repair and resurfacing and reclamation of existing paved public shared use paths and bicycle paths. There are several added and revised definitions as well. There was a discussion on Stormwater. If the Commission members have any comments or questions, it will be discussed at the 2/14/24 meeting.

**c. 53 Highland: Request for CofC**

Due to the snow, the Commission did not go out for a site inspection.

**d. 15 Stiles Ave: Request for CofC**

Due to the snow, the Commission did not go out for a site inspection.

**5. Agent's Update:**

- **Violations & Complaints:**

**17 Shore Drive:** Ms. Vivier sent a NOV letter. She has not seen or heard back from the owner.

**230 North Spencer Road:** Right before Christmas, Ms. Vivier received a call from the owner. The owner has not done anything required from the NOV.

**Kingsbury Road:** Ms. Vivier drove by the site and said that it looked like there was still debris.

**Turkey Hill Brook Bridge:** The office received a complaint about the bridge falling apart. There was a discussion about who owns it. Ms. Vivier is going to contact Camp Marshall and the Snowbirds to find out who owns the bridge.

- **Other discussion items:**

**Parks & Recreation:** Ms. Vivier wanted to let the Commission know that they are doing tree maintenance out of jurisdiction at Luther Hill Park.

**Baseball Field – Wire Village Road**

There was a discussion about the project that involves putting a French drain in at the baseball field because of all the water issues. The field was done before the Wetlands Protection Act. Mr. Snow wants to see an NOI filed before making any decisions.

*A vote to allow the applicant to put a couple of truckloads of fill on the field:  
Housh-yes, Bellemer-yes, Emerson-yes, Shiver-yes, Snow-no, McLaughlin-yes*

**6. Citizen Input:**

**7. Minutes: 1/10/24**

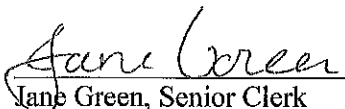
*A motion to approve the 1/10/24 minutes as amended (Emerson/Bellemer) 6/0 passed.  
All in favor: Housh-yes, Bellemer-yes Emerson-yes, Shiver-yes, Snow-yes, McLaughlin-yes*

**8. New Applications:** NOI – Baseball field.

**9. Adjournment:**

*A motion to adjourn the meeting at 7:55p.m. (Bellemer/Emerson) passed 6/0.*

Respectfully submitted by:



Jane Green, Senior Clerk  
Development & Inspectional Services

**Documents reviewed at 1/24/24 Conservation Commission Meeting**

Agenda 1/24/24

Minutes 1/10/24

21 Jolicoeur Ave – Order of Conditions

76 Thompson Pond Road – Continuance

92 McCormick Road – Continuance

10 Meadow Road – Continuance

U24-17 Meadow Road – Continuance

Wetlands Protection Act Amendment