



Conservation Commission – Town of Spencer

Minutes

Conservation Commission Meeting
Wednesday, October 26, 2022 at 6:15 PM
Town Hall, McCourt Social Hall

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

IN-PERSON AND REMOTE MEETING

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**PLEASE MUTE CELL PHONES AND ELECTRONIC DEVICES. IF
ATTENDING REMOTELY, PLEASE REMAIN ON MUTE AT ALL TIMES,
EXCEPT WHEN SPEAKING!**

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

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

Staff present: Lauren Vivier, Jane Green

2. There are no items to be signed.

3. Public Hearing/Meetings

**a. 6:15 p.m. Opened the Public Meeting for the Request for Determination of
Applicability for Barbara Bell**

Property: 30 Point Eastalee Drive, Spencer, MA

Ms. Bell proposes to remodel and enlarge the existing deck and build a 3-season room.

Ms. McLaughlin read the inspection report. The Commission recommended approval.

A motion to close the public meeting (Emerson/Bellemer) 5/0 passed.

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

A motion for a negative determination at 30 Point Eastalee (Bellemer/Emerson) 5/0 passed.

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

b. 6:21 p.m. Open the Public Meeting for the Request for Determination of Applicability for Kathleen Bryan

Property: 25 Delude Avenue, Spencer, MA

Ms. Bryan proposes to put down granite stairs with railings on each side heading down to the water. Ms. McLaughlin read the inspection report. If hydraulic equipment is used, there needs to be a boom in the water. Ms. Bryan will find out from the contractor if hydraulic equipment will be used and let Ms. Vivier know tomorrow.

A motion to close the public meeting (Emerson/Bellemer) 5/0 passed.

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

A motion for a negative determination at 25 Delude Avenue (Snow/Bellemer) 5/0 passed.

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

c. 6:30 Open the Public Hearing for the Notice of Intent for Cathy Weikel

Property: 18 Laurel Lane, Spencer, MA no DEP#issued

Elio Qorri, from Bertin Engineering, wanted to discuss and compare the old plans to the new plans. The proposed plan is to upgrade the septic system, add a deck and repair and lengthen the wall by the reservoir. The Commission looked at the plans while Mr. Qorri reviewed them. The Commission wanted to know why the wall had to be longer. The plan is to lengthen the wall to accommodate the septic system. There was a proposed swale to mitigate water flow. There are forty-five proposed trees to be removed. Ms. McLaughlin wanted to know why so many trees are proposed to be removed. Mr. Bellemer said it has to do with aesthetics. Mr. Qorri agreed with Mr. Bellemer. Mr. Qorri said that some trees will be coming down in the neighbor's yard as well. Ms. McLaughlin discussed this with the neighbor, Mary Stone, of 20 Laurel Lane. Ms. Stone had an approved Determination of Applicability for tree removal. After some discussion they realized the permit expired. It is only good for three years. Ms. Stone will need to apply again for the tree removal. There was a discussion on the different trees that are proposed to be removed. Ms. Emerson suggested reconsidering Hazelnut trees. They are susceptible to disease. Mr. Qorri asked for planting suggestions. The Commission recommended native plants. Mr. Bellemer wanted to know what will happen to the pipe near the stonewall. Mr. Qorri said that it will be removed. Ms. Emerson had concerns with the corner of the property near the water. The Commission would like the plans to be more clarified regarding the newly proposed wall near the shoreline. Ms. Vivier requested that the updated plans be given to us a week before the meeting.

At the request of the applicant, the hearing will be continued to November 16, 2022

d. 7:08 p.m. Continued the Public Hearing for the Notice of Intent for Colin Derhammer

Property: R27-1 Ash Street, Spencer, MA DEP#293-1037

Elio Qorri, from Bertin Engineering, asked Ms. Vivier if she had any updates. Ms. Vivier said that when she reached out to BSC, they said they are waiting for Bertin Engineering to reflag the missing flags. Corey Brodeur, of Lenard Engineering, would like the detention basin pulled back to the 25-ft no touch zone. Jim Pervier, 4 H. J. Perron Rd, wanted to know what was going to happen to the dam on the pond. Mr. Qorri said there were no plans for that. Mr. Pervier said that the dam is failing. What will happen to the properties down below this property. Mr. Qorri said that there is a proposed giant basin. It will hold back much of the water. Mr. Pervier wanted to know how many acres are to be deforested. Mr. Qorri said about one acre will be forested. Mr. Pervier said that Ash Street is a very narrow road. It is going to have to be redone if all the logging trucks, cement trucks, etc. are continually traveling on it. There is a lot of wildlife habitat in that property. Gary Woodbury, of 219 Charlton Road, said that when he looked at the plans the smaller lot looks like it is going to be under water. Mr. Qorri said that the Peer reviewer will have a stormwater plan. Mr. Woodbury said that there is a lot of ledge on that property and when you move ledge, it is going to change the direction of any water on that property.

At the request of the applicant, the hearing will be continued to December 14, 2022.

e. 7:32 p.m. Continued the Public Hearing for the Notice of Intent for Colin Derhammer

Property: Charlton Road & Bacon Hill Road, Spencer, MA DEP#293-1040

Elio Qorri, from Bertin Engineering, said that they are waiting for BSC to adjust their Scope for the peer review. Ms. Vivier said that there are two scopes going on. There are separate contracts for Conservation and Planning Board. Mr. Woodbury wanted to know if there was a waiver for access into that property, because it does not meet the 50-ft right-of-way. Ms. Vivier said that a waiver has been submitted. Debbie Smith, 239 Charlton Road, wanted to know if the videos were reviewed and if they are going to be played at the next meeting. Ms. Vivier said that we will show the videos at the next meeting.

At the request of the applicant, the hearing has been continued to December 14, 2022.

4. Other Business:

- a. **10 Sherman Grove – Request for CofC** – This was for a septic system. Ms. McLaughlin read the inspection report. The grass looks good.

A motion to grant the CofC for 10 Sherman Grove (Bellemer/Snow) 5/0 passed.

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

- b. 12 Sherman Grove – Request for CofC** – This was for a septic. Ms. McLaughlin read the inspection report.

*A motion to grant the CofC for 12 Sherman Grove (Emerson/Bellemer) 4/0 passed.
All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes.*

- c. Conservation Commission 2023 Deadline Schedule** – The Commission looked at the schedule.

5. Agent's Update:

Open/new violations

- a. Westland Drive** – A \$200 fine was issued, for ongoing dumping in wetlands. The office has not heard anything back from the violators.
- b. 66 & 68 Browning Pond Road** – A \$100 fine was issued for digging. The landscaper is going to file a Notice of Intent.
- c. 17 Shore Drive** – A second warning was issued. We received a complaint that there were empty fuel cartridges, trash & debris. The silt fence has failed. It is not within our jurisdiction. Board of Health and Building issued Notice of Violations.
- d. Hastings Road** – Ms. Vivier received multiple complaints about water problems. The bales have not been replaced. Ms. Vivier called the person on site. They will go out tomorrow to fix the issues. She will be issuing a formal Notice of Violation. Mr. Bellemer is going to go out tomorrow. Ms. Vivier is going to go for a site visit on Monday.
- e. 61 Lake Avenue** – Our office issued a Stop Work Order. The excavator is off the property. There was a wattle installed.
- f. 51 Lakeshore Drive** – a neighbor is brushing her leaves into the lake. Ms. Vivier sent a general letter about dumping waste into bodies of water. Mr. Bellemer suggested communicating this to the Lake Associations.
- g. 50 Chickering Road** - Ms. Vivier read a letter from David Dudley of 48 Chickering Road regarding his neighbor at 50 Chickering Road. In August 2016, his neighbor poured a concrete pad and covered it with a wooden deck

and stairs. Margaret Washburn issued him a Notice of Violation for unpermitted work. The neighbor told Ms. Washburn the concrete pad was there before he lived there. Mr. Snow would like us to research this further. The office will look into files and old minutes to see if there is any information on this.

6. Other discussion items:

Forest Cutting Plan -Ms. Vivier said that we received a forest cutting plan for East Charlton Road. The Commission discussed it.

Tree Removal Policy- Ms. Vivier reviewed and made corrections to the policy with the Commission.

7. Minutes: 10/26/22

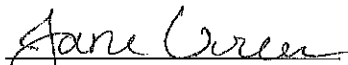
A motion to approve the minutes as amended (Snow/Bellemer) 5/0 passed.

8. New Applications: 14/15 Bellevue Drive – Request for CofC

9. Adjournment:

A motion to adjourn the meeting at 9:05 p.m. (Emerson/Snow) passed 5/0.

Respectfully submitted by:


Jane Green, Senior Clerk
Development & Inspectional Services

Documents Reviewed at the October 26, 2022 Conservation Commission Meeting

AGENDA 10/26/22

MINUTES 10/12/22

DOA – 30 POINT EASTALEE

DOA - 25 DELUDE AVENUE

CONTINUANCE FORM – 18 LAUREL LANE

CONTINUANCE FORM – R27-1 ASH STREET

CONTINUANCE FORM – CHARLTON & BACON HILL ROADS

CERTIFICATE OF COMPLIANCE – 10 SHERMAN GROVE

CERTIFICATE OF COMPLIANCE – 12 SHERMAN GROVE

CONSERVATION COMMISSION 2023 DEADLINES

COMPLAINT LETTER – 48 CHICKERING ROAD

FOREST CUTTING PLAN – EAST CHARLTON ROAD

TREE REMOVAL POLICY