



Conservation Commission – Town of Spencer

Minutes

Conservation Commission Meeting
Wednesday November 15, 2023 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!**

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

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

Staff present: Lauren Vivier & Jane Green

2. Public Hearings/Meetings:

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

Property: 8 Wildwood Lane, Spencer, MA

Todd Ryan, the homeowner, said they propose to remove the old deck and put up a new deck. The upper deck will remain. They will use an auger and put in techno posts. The stairs will be relocated to the other side of the deck. The Commission told Mr. Ryan he will need booms if he is using hydraulic equipment. He added the booms to the plans. Ms. McLaughlin read the inspection report.

*A motion to close the public meeting (Bellemer/Emerson) 6/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, Snow-yes, Housh-yes, McLaughlin-yes
A motion to waive the 25-ft no touch zone for the techno posts (Emerson/Bellemer) 6/0 passed
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, Snow-yes, Housh-yes, McLaughlin-yes
A motion for a negative determination (Emerson/Bellemer) 6/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, Snow-yes, Housh-yes, McLaughlin-yes*

b. 6:25 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Jay Gallant

Property: 69 Browning Pond Road, Spencer, MA

Jay Gallant, Architect, said the house needs interior and exterior work. It needs a front landing. There will be two Sona tubes. They will use straw wattles. Ms. McLaughlin was concerned when they propose to spray the paint off the deck. Mr. Snow asked what the chemistry of the paint was. Ms. McLaughlin read the inspection report. Mr. Gallant said it appears to be water-based. The Commission discussed removing the debris properly.

*A motion to close the public meeting (Bellemer/Emerson) 6/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, Snow-yes, Housh-yes, McLaughlin-yes
A motion for a negative determination (Emerson/Bellemer) 6/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, Snow-yes, Housh-yes, McLaughlin-yes*

c. 6:35 p.m. Opened the Public Hearing for the Notice of Intent for Robert Gregoire
Property: 9 Washburn Terrace, Spencer, MA DEP#293-1066

Scott Morrison, from Ecotec, said that the proposed work is to remove two cottages and replace them with a single-family home. There will be a new septic system and a new driveway. There is a proposed new boat shed and a new dock. There will be some tree removal as well. Ms. Vivier said that the Commission requires a tree or two shrubs for replacement. Ms. McLaughlin read the inspection report.

*A motion to close the public hearing (Bellemer/Emerson) 6/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, Snow-yes, Housh-yes, McLaughlin-yes
A motion to approve the Order of Conditions (Bellemer/Emerson) 6/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, Snow-yes, Housh-yes, McLaughlin-yes*

d. 6:48 p.m. Opened the Public Hearing for the Notice of Intent for Michael Revelli Property: 34 Shore Drive, Spencer, MA DEP#293-1065

Mike Revelli, of New England Wall and Patio, said the proposed work is for a patio, to rebuild the top of a retaining wall and grind down a tree stump. Ms. McLaughlin read the inspection report. The plan is to replace the stairs with solid granite. The dock was removed from the water because it was damaged by a tree. There will be a new dock. Ms. Housh asked how the beach was going to be protected. There will be straw wattles. If hydraulic equipment is used, an oil absorbent boom is required. Mr. Revelli asked if the pavers could be impervious. There was a discussion about the pavers. The Commission agreed to the plan.

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

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

A motion to approve the Order of Conditions (Emerson/Bellemer) 6/0 passed.

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

e. 7:03 p.m. Continued the Public Hearing for the Notice of Intent for Erica Larner from Mass Department of Transportation

Property: Rt. 9 to Rt. 49 to Sumner to Water Street, Spencer, MA DEP#293-1063

Erica Larner, the Wetlands & Water Resource Coordinator for Mass DOT, said the proposed work is for pedestrian and bicycle safety improvement. Since receiving the DEP comments, Ms. Larner & her colleagues have revised the plans. They pulled work out of the (Bordering Land Subject to flooding). Kevin Barbara, Project Engineer for Comprehensive Environmental, Inc., said that the proposed work is for pavement overlay, sidewalk reconstruction, new signage, storm drainage improvements, granite curbing and a new signal at the fire and police department. Ms. Vivier wanted to know what the changes to the plans were since receiving the DEP comments.

Ms. Larner said that one of the major changes was the guardrail work. Davren Chartier, Senior Engineer at CHA Integrated Solutions, said that they swapped out the milling mulch under the guardrail with crushed stone. Mr. Chartier said that it helps promote infiltration. Ms. Vivier went over the conditions with the Commissioners.

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

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

A motion to approve the Order of Conditions with conditions Emerson/Bellemer) 6/0 passed.

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

f. 7:20 p.m. Continued the Public Hearing for the Notice of Intent for Warren

Monette

Property: 87 Lakeshore Drive, Spencer, MA DEP#293-1064

Warren Monette, of CWM Construction Corp. was present for the proposed landscape work. Ms. McLaughlin read the inspection report. Mr. Bellemer was concerned with the digging down by the water. Mr. Monette said that he will do the work in sections. They do not want to leave the ground open. There was a discussion about the DEP comments. Ms. Vivier said it was addressed at the last meeting. They plan to use the fill that is on site, but will bring in topsoil. Ms. Vivier asked that when they work on the bank, call the office for an inspection. The Commission would like a tree planted to take place of the one that will be removed.

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

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

A motion to approve the Order of Conditions with conditions (Bellemer/Emerson) 6/0 passed.

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

3. Other Business:

a. 16 Marble Road – Request for CofC:

Ms. McLaughlin read the inspection report. The CofC is not recommended until the grass has grown twice.

b. Discussion- Bixby Estates – Review plantings:

Ms. Vivier said that they need to review and discuss the proposed landscaping and plant list. Ms. Emerson said that it didn't make sense to have plants around the basketball hoop. She suggested putting the plantings on the hill, instead. There was a discussion on the parking spaces. Steve Strickland from SMOC, said that all items from the site visit have been addressed. They moved the dumpster; they removed the fence, and they painted the parking spaces. They are waiting on the suggestions from the Commission as to the plantings. That is the only item holding up SMOC. The Commission agreed to move the plantings on hill in the spring. Mr. Strickland wanted to know if they could approve this now. He wants to get this closed out. He said they have met all the requirements, except for the plantings. The Commission discussed giving them a partial CofC for the work that was done, then in the Spring it can be closed out once we know the plants have survived.

c. Discussion – MACC Conference – Follow-up:

Ms. McLaughlin went to the Geothermal class. She said it was very interesting. She said that DEP does not have a lot of information on this type of heating. The Commission discussed getting more knowledgeable on Geothermal heating to prepare themselves for it in the future.

d. Conservation Commission Deadlines – 2024 (Review):
The Commission agreed to the 2024 Conservation Deadlines.

4. Agent's Update:

- **Violations & Complaints:**
 - a. **37 Bixby Road-** Discuss ongoing violation (property owner attendance requested) Ms. Vivier said that the tenant reached out to Ms. Vivier. There appears to be a possible homeless camp on the property.
 - b. **17 Shore Drive –** This was for a single-family home. The Commission has been to this property in the past for sitework issues. The silt fence failed, the building permit expired, the drainage ditch failed, and water is running down the road. Ms. Vivier told the owner that he has until Thanksgiving to clean it up or he will be fined.
 - c. **Woodside & Pauls Drive-** The office received a complaint about the detention basin. The property owner is concerned that the town isn't maintaining it. Ms. Vivier and Peter Boria, U&F Superintendent, went out for a site visit. U&F is going to clean up around the perimeter. Ms. Vivier and Mr. Boria will go back out in the spring to reassess.
 - d. **Meadow Road – DOT stumping-** The Construction project has begun. DOT went in to do the stumping and they uncovered 10,000 square feet of buried car batteries. The fire chief knows about them. Supposedly it is just the casing. It is on the town's property. The town will get an LSP (Licensed Site Professional) out to test the soil.
- **Other discussion items:**
 - a. **Town Meeting-** The town meeting was last week. All the articles passed.
 - b. **Trails Grant-** Ms. Vivier said that there is a Trails Grant. The deadline to apply for the grant is February 1, 2024. She reached out to the chair of Parks and Rec. to see if they had a wish list. Conservation can apply for the grant as well.
 - c. **40-ft Requirement for boom-** Mr. Snow wanted to discuss why the boom regulation is 40-ft. It will be discussed at the next meeting.

5. Citizen Input Al Starr – 1 Washburn Drive

Mr. Starr wanted to give an update on information about the history of the water issues around his driveway. He said that the 5-ft pipe they put in took the place of an 18-inch pipe. There was a discussion on the water issues. He said that there have been water

issues for 3 years, ever since some of the neighbors filed an NOI to replace the culvert pipe and received an Order of Conditions. Mr. Bellemer suggested letting Chief Parsons know how difficult it is to get to Mr. Starrs' home in case there was ever an emergency,

6. Minutes: 10-25-23

A motion to approve the 10/25/23 minutes as amended (Emerson/Bellemer) 6/0 passed.

7. New Applications:

- a. **32 Maple Street – RDA – Deck landing**
- b. **65 Oakland Drive – RDA- stump grinding**
- c. **Kittredge Rd & North Brookfield Road – Request for CofC**

8. Continuances:

- a. **10 Meadow Road – waiting on DEP Commissioner variance.**
- b. **U24-17 Meadow Road – waiting on DEP Commissioner variance.**

9. Adjournment:

A motion to adjourn the meeting at 9:15 as amended (Emerson/Bellemer) 6/0 passed.

Respectfully submitted by:



Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at 11/15/23 Conservation Commission Meeting

Agenda 11/15/23

Minutes 10/25/23

DOA – 8 Wildwood Lane

DOA – 69 Browning Pond Road

OOC – 9 Washburn Terrace

OOC – 34 Shore Drive

OOC – Rt. 9 to Rt. 49 to Sumner to Water Street

OOC – 87 Lakeshore Drive

Conservation Commission Deadlines – 2024

Bixby Estates – Plant list

