

Conservation Commission – Town of Spencer

Minutes

Conservation Commission Meeting
Wednesday December 13, 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 (remote), Shannon Housh (remote) & Warren Snow

Staff present: Lauren Vivier, Jane Green

2. No documents to sign

3. Public Hearings/Meetings:

**a. 6:15/6:28 p.m. Opened the Public Meeting for the Request for Determination of
Applicability for Theodore Labonte
Property: 32 Maple Street, Spencer, MA**

Mr. Labonte pulled a permit to work on the rear egress of the building. He said the
current egress supports are not up to code. The proposed plan is to dig new footings and

dispose of any extra soil off site. Ms. McLaughlin read the inspection report. The members looked at the plans. Mr. Bellemer suggested checking with Dig Safe prior to the work. The Commission agreed to the plans.

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

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

A motion for a negative determination (Snow/Bellemer) 6/0 passed.

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

b. 6:17 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Thomas Price

Property: 65 Oakland Drive, Spencer, MA

Thomas Price said that they would like to grind four stumps on the property and plant grass. He discussed the location of the trees. The tree by the water is a safety concern. Ms. McLaughlin read the inspection report. Ms. Vivier recommended a few conditions. She would like wattles at the lower retaining wall, a boom if hydraulic equipment is used and three inspections. The Commission agreed to the recommended conditions.

A motion to close the public meeting (Snow/Emerson) 6/0 passed.

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

A motion to for a negative determination with conditions (Emerson/Bellemer) 6/0 passed.

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

c. 6:34 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Spencer Solar Farm, LLC

Property: 14 North Brookfield Road, Spencer, MA

Chris Nolan, Senior Project Coordinator from Pare Corporation, said that they already had a Determination of Applicability for the project, but it expired. There is a wetland in the northwest corner that the applicant was not aware of. It was delineated and is on the plan. The work is out of jurisdiction, just the erosion controls are in the buffer zone. Ms. McLaughlin read the inspection report. Matt Defosse, of 7 Paul's Drive, said that he was happy to hear that they identified the wetland area. He said that on the western border there was a subdrainage basin. He wanted to know if that had been addressed. On the northern border is a wellhead protection area. Mr. Defosse said that once the trees are removed, he is concerned with water retention issues. Mr. Nolan said that the trees that are to be removed are out of jurisdiction and he was aware of the subdrainage basin.

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

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

A motion for a negative determination on 14 North Brookfield Solar (Bellemer/Snow) 6/0 passed.

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

4. Other Business:

a. R03-13 Bacon Hill Road - Bill Keyes would like to do some additional clearing on his land. The project had a Determination of Applicability, but it expired. He would like to add fill and take down two dead trees and some shrubs. Ms. Vivier said she does not see an impact to the resource area. The Commission agreed to the work.

A motion to allow the additional clearing (Snow/Emerson) 6/0 passed.

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

b. Discussion: 1 Washburn Drive, Albert & Donna Starr – Paula Miller, Attorney representing Albert Starr, discussed the flooding that the Starrs have been experiencing on 1 Washburn Drive. Ms. Miller said that the Starr's have been experiencing flooding from the upstream property, due to the change of the culvert done underneath the property of 3 Washburn Drive in 2019. She has consulted with an Engineer. Ms. Miller said, after speaking with the Starr's, it sounds like a possible discrepancy. The proposed work was to replace two existing 16-inch culvert pipes with the 60-inch pipe buried 30-inches into the ground. There was talk amongst the neighbors that it was replaced with one pipe. Ms. Miller said that increasing the water flow has impacted the neighbor and completely washed-out Mr. Starr's driveway. There are boards over the Starr's driveway in order to get to their home. Ms. Viver went over the history of the property. The neighbors put in the culvert. There was a discussion on who paid for the culvert. Mr. Starr said that Robert Fontaine did not allow the work to be done on his property. There was a discussion about it being a civil issue. Ms. Miller wanted to know if the Commission would be willing to go out for a site walk with the Engineer to discuss ideas for mitigation. The Commission agreed to a site visit. There was a discussion on who will pay for the work to remedy the situation. Ms. Vivier said the project was already closed out and was issued a CofC. Ms. Vivier questioned how much damage is caused by that culvert and how much of it is natural wear and tear. Ms. Vivier said that historically there have been two areas on Robert Fontaine's property that have caused issues with Mr. Starr's property. She said the Starr's driveway is getting hit hard. The Commission agreed to put this on the Agenda for January 24, 2024.

c. Request for partial CofC – Bixby Estates -Ms. Vivier read the letter from Glenn Krevosky on plantings. Ms. Vivier discussed what is to be approved for the partial CofC. The partial CofC will be for the replication area and the detention basin. There will be ongoing conditions as well. Ms. Vivier read the ongoing conditions. The Commission agreed to a partial CofC.

A motion to issue a partial CofC for the replication area and the detention basin with the ongoing conditions as noted, and the new conditions that require the landscaping plan with the as-built (Bellemer/Snow) 6/0 passed.

d. Request for CofC - 41 Lake Avenue -Ms. McLaughlin read the inspection report. Only four feet of the project is in jurisdiction. Ms. Vivier recommended approval.

*A motion to grant the CofC (Bellemer/Snow) 6/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Snow-yes, Shiver-yes, Housh-yes, McLaughlin-yes*

e. Discussion: Boom use and recommendations – Ms. Vivier said that at some point in time, there was a question of an oil boom. There are several types of booms. No boom is 100% effective. The typical boom goes out 30-40 feet. There are other variables such as water conditions, temperature and types of oil. High activity and high current can pull a boom under. She reached out to other Commissions about booms. There was no specific information. Ms. Vivier recommended that we add something to the Conservation policy and procedures about booms. When we do, include drawdowns as part of it.

f. Discussion: 25 Kingsbury Road (dumping on the even side of Kingsbury Road from R. Jones Road up past pole #14) – Warren Snow said that he has spent many hours cleaning up the land in the past. Ms. Vivier said that the son is trying to claim the house. Mr. Snow recommends the town clean the site before the debris makes its way to the resource area.

Shannon Housh had to leave the meeting for the night.

g. Discussion: Meadow Road - Ms. Vivier updated the Commission on the car battery casings that are on the town property. It requires an LSP (Licensed Site Professional), to go out to the property and perform test pits on various areas of the property. The estimate for the work is \$4,800. Ms. Vivier requested that we use the wetlands fees to pay for the LSP. This will take care of the fieldwork and lab work.

A motion to approve the funding for the LSP of \$4,800 (Bellemer/Snow) 5/0 passed.

5. Agent's Update:

- a. **Violations & Complaints:** Ms. Vivier said that 17 Shore Drive is being fined for numerous issues. She sent out a Notice of Violation with a fine. The silt fence is failing. The owner needs to clean out the drainage ditch.

- b. **Other discussion items:** - 230 North Spencer Road. Ms. Vivier sent a violation that the owner needs to stabilize the site. The shed needs to be removed, it is not on the plan. The building inspector sent a letter as well.

6. Citizen Input

7. Minutes: 11/15/23

*A motion to approve the 11/15/23 minutes as amended (Emerson/Bellemer) 5/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Snow-yes, Shiver-yes, McLaughlin-yes*

8. New Applications:

- a. 12 Point Eastalee – OOC Extension
- b. Lake Whittemore – OOC Extension
- c. Hasting Road (R48-17 & 18-3) – ORAD Extension
- d. 16 Stiles Ave – Request for CofC
- e. 53 Highland Street – Request for CofC

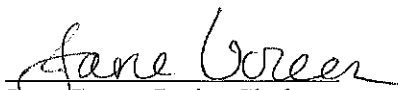
9. Continuances:

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

10. Adjournment:

*A motion to adjourn the meeting at 8:33 p.m. (Bellemer/Emerson) 5/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Snow-yes, Shiver-yes, McLaughlin-yes*

Respectfully submitted by:



Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at 12/13/23 Conservation Commission meeting:

Agenda 12/13/23

Minutes 11/15/23

65 Oakland Drive – DOA

32 Maple Street – DOA

14 North Brookfield – DOA

Bixby Estates – Partial CofC

41 Lake Ave – CofC