



Conservation Commission – Town of Spencer

Minutes

Conservation Commission Meeting
Wednesday, December 14, 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 6:17 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson (Chair), Shannon Thibault & Warren Snow

Commissioners Absent: Mary McLaughlin

Staff present: Lauren Vivier & Jane Green

2. Public Hearings/Meetings

**a. 6:15 p.m. Continued the Public Meeting for the Request for Determination of
Applicability for Mark Auger**

Property: 45 Oakland Drive, Spencer, MA

The meeting was continued because Mr. Auger wanted to think about the plans some

more. He made the decision to take down a fifth tree. He showed the Commission the location of the tree on the sketch. The Commission agreed to the removal of the trees.

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

All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.

A motion for a negative determination (Bellemer/Snow) 4/0 passed.

All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.

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

Property: 195 Charlton Road, Spencer, MA

Mark Elbag, M.A. Engineering, discussed the project. The septic is currently failing. The proposed septic is a gravity system. Ms. Emerson wanted to know if there were erosion controls. Mr. Elbag said that they were planning on using erosion controls. Ms. Vivier said that she granted an Administrative Approval to authorize the septic to be done before the ground freezes. There was a slight modification to the plan. When out on the inspection, Ms. Viver and the Commission observed debris and scrap metal. It will be cleaned up. The Commission agreed to the septic replacement.

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

All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.

A motion for a negative determination (Bellemer/Snow) 4/0 passed.

All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.

c. 6:31 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Craig Lusignan

Property: 83 Northwest Road, Spencer, MA

Dan O'Brien, the representative from Freedom Forever, discussed the solar project. There will be 40 ground-mounted solar panels on the northwest corner of the property. It is 80 feet from the septic and the house. Ms. Emerson read the inspection report. The Commission agreed to the project.

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

All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.

A motion for a negative determination (Bellemer/Snow) 4/0 passed.

All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.

d. 6:38 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Michael Spalatro

Property: 117 Wilson Avenue, Spencer, MA

Mr. Spalatro said the project was for a proposed 8'x10' mudroom. It's 85' from the high water. The footings will be hand dug. Ms. Emerson read the inspection report. The Commission agreed to the project.

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

All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.

*A motion to close the public meeting (Bellemer/Snow) 4/0 passed.
All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.*

e. 6:45 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Emma & Steve Thibault

Property: 39 Lakeshore Drive, Spencer, MA

Mr. Thibault said the project was for a 12'x13' addition to the back of the house. The deck will be extended 8'. They will use Techno posts. Ms. Emerson read the inspection report.

*A motion to close the public meeting (Bellemer/Snow) 4/0 passed.
All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.
A motion for a negative determination at 39 Lakeshore Drive (Bellemer/Snow) 4/0 passed.
All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed.*

f. 6:48 p.m. Opened the Public Meeting for the Request for Determination of Applicability for John Kennedy

Property: Lot A East Charlton Road, Spencer, MA

Jason Dubois, of DC Engineering, discussed the driveway project. There is an existing driveway that serves 48 East Charlton Road. There are erosion controls lining the wetlands on the side of the driveway. Ms. Vivier said that when she went out with the Commission they didn't know where the proposed driveway was located. Mr. Dubois explained where it was. Ms. Vivier wanted to know if the driveway was going to be shared. Mr. Dubois said it is not going to be a share driveway. The Commission wanted to know if there would be tree removal. Mr. Dubois said that there will be roughly a dozen trees removed. Ms. Vivier said that they need to be on the plans. Ms. Emerson read the inspection report. Mr. Bellemer suggested flags to show where the proposed work will be. Ms. Vivier would like replacement plantings for the mature trees that will be taken down. The Commission would like the applicant to continue until the plans are updated.

At the request of the Commission the meeting will be continued to January 11, 2023.

g. 6:59 p.m. Opened the Public Hearing for the Notice of Intent for Robert & Michelle McTiernan

Property: 61 Lake Avenue, Spencer, MA DEP#293-1046

Jason Dubois, of DC Engineering, said that the excavation started already for a proposed paver patio with granite steps. Mr. Dubois said that the erosion controls are up. Mr. Bellemer wanted to know how long they have been there because they look crunchy. Mr. Dubois said they were done around the time when the digging began. Ms. Vivier said that they issued a Stop Work Order because they started work without a permit. Ms. Vivier said they do not recommend using haybales anymore. Ms. Emerson read the inspection report.

*A motion to close the public hearing (Bellemer/Snow) 4/0 passed.
All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed
A motion to approve the NOI with conditions (Bellemer/Snow) 4/0 passed.
All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed*

h. 7:16 p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour

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

Jarod Savary, of Tauper Land Survey, submitted updated plans and an updated drainage report. They would like to continue to the next month.

At the request from the applicant, the hearing will be continued to January 11, 2023

i. 7:20 p.m. Continued the Public Hearing for the Notice of Intent for Colin Derhammer

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

TJ Recupero, Attorney for Bertin Engineering, said that the flags were replaced. BSC had requested the replacement. Ms. Vivier said that she received the updated delineation report and emailed it to the Peer Reviewers.

At the request from the applicant, the hearing will be continued to January 11, 2023

j. 7:30 p.m. Continued the Public Hearing for the Notice of Intent for Colin Derhammer

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

TJ Recupero, Attorney for Bertin Engineering, said that the Peer Review hasn't started yet. Gary Woodbury had submitted videos of the water issues and wanted the Commission and the public to watch them. Ms. Vivier played the videos.

At the request from the applicant, the hearing will be continued to January 11, 2023.

k. 7:49 p.m. Continued the Public Hearing for the Notice of Intent for Cathy Weikel

Property: 18 Laurel Lane, Spencer, MA DEP#293-1045

The applicant no longer works with Bertin Engineering. The project is going to be redesigned and will take some time.

At the request from the applicant, the hearing will be continued to January 25, 2023.

3. Other Business:

- a. **17 Laurel Lane – Request for CofC** - Ms. Vivier said that this was for the retaining wall. There were no concerns with the wall. But they were

concerned with the pile of dirt. Ms. Vivier would like to wait on approval because of the pile of dirt. The Commission agreed to waiting until the pile is taken care of.

- b. **96 Wilson Avenue – Request for CofC**- Ms. Vivier said that the condition stated that an as-built was required. There was a shed on the property that did not have a permit. Ms. Vivier requested the applicant file an RDA for the shed.
- c. **19 Bixby Road - Request for CofC** -Ms. Vivier and some of the Commission went on the site walk. The replication area looked good but there was trash and debris on the back hill within the buffer zone. There were some gutters missing. There were rills in the grass. Gravel and Styrofoam were found below the drainage. The owner needs to do multiple improvements and follow the stormwater management plan.
- d. **R48, 17-4 Hastings Road - Request for CofC** – This was for a proposed single-family home and a septic. The work was never done. Ms. Vivier recommended approval. The Commission agreed to granting the CofC for the work that was never done.

A motion to recommend approval to the CofC for the work that was never done (Bellemere/Snow) 4/0 passed.

All in favor: Snow=yes, Thibault=yes, Bellemere=yes, Emerson=yes 4/0 passed.

4. Agent's Update:

- **Open/new violations:**
 - a. **7 Clark Road** – Ms. Vivier said there was a possible violation. There was an excavator on site. The homeowner called Ms. Viver and said it was beyond the 100ft buffer zone. Ms. Vivier would like to do a site inspection to check on that.
 - b. **Browning Pond** -This is for an open violation on Browning Pond. The landscaper filed his permit and paid his fines.
 - c. **Westland Drive** – Ms. Vivier thinks the dumping may be caused by the neighbors, because the owners aren't there very often. Ms. Vivier has and will continue to send fines.
 - d. **Lakeshore Drive** – Ms. Vivier has not heard from the owners regarding the violation for tree removal.
 - e. **Shore Drive**-The building permit has expired. The silt fence has not been replaced. The Commission will continue to monitor it.
 - f. **Browning Pond** -Mr. Bellemere & Ms. Vivier saw trees removed without a permit during a drive to a site inspection. Ms. Vivier will contact the owner to file a permit.

5. General Board Discussion:

- a. **Spencer Conservation Commission Rules & Regulations** – Ms. Vivier would like to update the rules and regulations with the Commissions help.
- b. **19 Bixby Road** – Mr. Snow said that they no longer maintained the trails. The CofC should not be issued until the trails are done. Ms. Vivier would like to take another site walk and invite Bill Cundiff. Ms. Vivier said there are grants to improve trails that we can apply for.

6. New Applications: no new applications

7. Minutes: 11/16/22


*A motion to approve the minutes as amended (Bellemer/Snow) 4/0 passed.
All in favor: Snow-yes, Thibault-yes, Bellemer-yes, Emerson-yes 4/0 passed*

8. Continuances: There were no continuances.

9. Adjournments:

A motion to adjourn the meeting at 8:30 p.m. (Bellemer/Snow) passed 4/0.

Respectfully submitted by:


Jane Green, Senior Clerk
Development & Inspectional Services

Documents Reviewed at the 12/14/22 Conservation Commission Meeting:

AGENDA 12/14/22

MINUTES 11/16/22

DOA – 45 OAKLAND DRIVE

DOA - 195 CHARLTON ROAD

DOA – 83 NORTHWEST ROAD

DOA – 117 WILSON AVENUE

DOA – 39 LAKESHORE DRIVE

ORDER OF CONDITIONS – 61 LAKE AVENUE

CONTINUANCE FORM – LOT A EAST CHARLTON ROAD

CONTINUANCE FORM – 10 MEADOW ROAD

CONTINUANCE FORM – R27-1 ASH STREET

CONTINUANCE FORM – CHARLTON & BACON HILL ROADS

CONTINUANCE FORM – 18 LAUREL LANE

CERTIFICATE OF COMPLIANCE – R48, 17-4 HASTINGS ROAD

