

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, December 15, 2021 at 6:00 PM
Town Hall, McCourt Social Hall

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

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

TO LISTEN TO THE MEETING ONLY GO TO SCATV.ORG

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

1. The Meeting was opened at 6:00 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin,
Robert Perry (arrived 6:02 p.m.) & Warren Snow

Commissioners Absent:

Staff present: Lauren Trifone & Jane Green

Staff absent:

2.Signed: 113 Ash Street – Enforcement Order

A motion for the Enforcement Order (Snow/Emerson) 4/0 passed.

3.Public Hearing/Meetings

a. 6:03 p.m. Continued the Public Hearing for the Notice of Intent for Christine & Edwin Mullen

Property: Lot 1(32) North Spencer Road, Spencer, MA DEP#293-0987

Glenn Krevosky, from EBT Environmental Consultants Inc., discussed the updated information regarding the disagreement with the “good” vs. “fair” ground cover. Zachary Gless, from Existing Grade Inc., said that they did revise and change the rating to “fair” per BSC’s Peer Review. They made a few changes to the plans dated 11/4/21. Dominic

Rinaldi sent a final letter that stated that he was satisfied with the plans. The Commission would like a hardcopy of the updated plans. Ms. Trifone discussed the special conditions.

A motion to close the public hearing (Perry/Snow) 5/0 passed.

A roll call vote: Perry-yes, Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes

A motion to approve the Order of Conditions with the special conditions (Snow/Perry)5/0 passed.

A roll call vote: Perry-yes, Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes

b.6:20 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Kim Powell

Property: 56 Borkum Road, Spencer, MA

Maryann DiPinto, from Three Oaks Environmental, said that they are replacing a failed septic system. The Commission looked at the hard copies. Ms. Dipinto discussed the work and location of the new septic. Ms. McLaughlin read the inspection report.

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

A roll call vote: Perry-yes, Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes

A motion for a negative determination (Snow/Perry) 5/0 passed.

A roll call vote: Perry-yes, Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes

c.6:28 p.m. Opened the Public Hearing for the Notice of Intent for James & Christine Hurley

Property: 36 Point Eastalee Drive, Spencer, MA DEP#293-1029

Steve Bressette, from Summit Engineering, discussed the proposed septic repair and garage addition. The septic was approved by the BOH. Fill will be required after the septic is replaced and this will create a low slope in place of the retaining wall. The patio was removed, and a wood deck will be built in place. Ms. McLaughlin read the inspection report. Ms. Trifone explained the work while showing the plans.

A motion to close the public hearing (Bellemer/Perry) 5/0 passed.

A roll call vote: Perry-yes, Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes

A motion to approve the Order of Conditions (Bellemer/Perry) 5/0 passed.

A roll call vote: Perry-yes, Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes

d.6:45 p.m. Opened the Public Hearing for the Notice of Intent for Gordon Olin

Property: 18 & 19 Lake Avenue, Spencer, MA no DEP# issued.

The applicant withdrew the Notice of Intent today. All work is outside of the buffer zone. U&F is the stormwater authority.

e.6:49 p.m. Opened the Public Hearing for the Notice of Intent for Jennifer Reil

Property: Briarcliff Lane, Spencer, MA DEP#293-1028

Ms. McLaughlin read the inspection report. Scott Jordan, from EcoTec,Inc. discussed the

plans for a single-family home with a septic. Ms. Trifone suggested that the driveway be located off of Briarcliff Lane. This would reduce the flow of stormwater and would follow the natural grade. The wetlands exist because stormwater is making its way to that location. The way the driveway is designed now could increase stormwater flow. Mr. Dubois discussed his plan for the driveway. He said it will make a lot more earth work if done off Briarcliff. Ms. McLaughlin read a letter from the U&F Superintendent, William Cundiff. Mr. Dubois discussed #793 on the plans that showed the contours pitching into Lamoureux Lane. Ms. McLaughlin read Article 6, section 4, of the Town of Spencer General Bylaw. There are a lot of questions concerning the driveway location. Ms. Trifone said that she has spent a lot of time at the property this year, and the Commission & Mr. Cundiff have as well.

Mr. Perry discussed the issues with road maintenance on private roads, concern with the direction of flow and the driveway cut. There was a question if this should be Peer Reviewed. There has been a history of run-off issues in that area. Ms. Trifone said that water flows down and it should be clean with no sediment. Mr. Dubois was under the impression the run-off issue was on the opposite side of the road.

A resident, Paul Federico, is concerned that when all of the construction vehicles travel to and from the site, there will be more damage to the road. A resident, Mike Nardone, said that when the puddles are full, the water runs down his driveway. This is due to changes made from the Reils' property during the last few years. A resident, Susan Federico, told the members that there have been significant changes to the road in the past few years. The road is in serious disrepair. There is vegetation on the side of the road that was never there before, which impacts the road. Ms. Reil said that the proposed driveway is only 50 ft in. She stated that if the construction trucks damage the road, then they will fix it. The bottom line is that the residents want to make sure that future road repairs will not negatively impact the development of a single-family home.

Mr. Perry talked about the issue on their land. Twenty-eight feet from the road there is garbage, tires, wood and other debris. That is a violation of the WPA. Ms. Trifone confirmed that all the debris is within the 100-ft buffer zone and is a violation. This has to get addressed. The Derelict Fee Statute states that the fee ownership goes to the abutter. When you share a deeded right of way, the abutters have a Common law right to repair the road. The Commission said that if work is being done within 100-ft of the wetlands, then nothing can be done to the road. Mr. Dubois is going to reach out to Mr. Cundiff to see what he has to say about this project.

At the request of the applicant, the hearing has been continued to January 12, 2022.

4. Other Business:

- a. 155 Mechanic Street – Ext. of OofC This extension does not expire until the spring. The office is waiting to hear from the applicant whether they want to hold off or not.

5.Agent’s Update:

a. 39 Chickering Rd – Ms. Trifone said that they want to relocate the replication area. They do not need to take down as many trees. The Commission looked at the plans. Stephen Balcewicz, of Land Planning, discussed the plans.

A motion to approve the new revision to the plans (Perry/Snow) 5/0 passed.

b. 55 Jolicoeur Ave – Notice of Violation – Changes to shoreline.

c. Sugden Reservoir Management – The applicant wants to treat the cattails. They are clogging the boat ramp. The Commission discussed the procedure and decided that if they use the same chemical and treatment method, they may treat the cattails.

d. Tree removal policy- Ms. Trifone looked into a tree removal policy. She researched various towns that have similar information.

e. Continuance’s policy – Ms. McLaughlin read the draft.

f. 2021 Annual Report – Ms. Trifone read the Annual Report.

g. Accounting – The Commission said that there has been \$10,000 taken out of the Conservation account every year and put into the General Fund. They said that it is illegal per the WPA. Ms. Trifone was going to look into this further.

h. Addressing the joint meeting from 11/29/21- It is important to have more collaboration between the different departments in the town.

6.New Applications: RDA – 19 Sherwood Drive
RDA – 1 Nottingham Circle

7.Other Upcoming projects pending hearing date: Charlton & Bacon Hill Roads -NOI
R32-25 Donnelly Road – NOI
10 Meadow Road - NOI

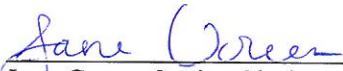
8.Minutes Approved:

A motion to approve the minutes of November 16, 2021 as amended (Emerson/Perry) 5/0 passed.

9. Adjournment:

A motion to adjourn the meeting at 8:55 p.m. (Perry/Emerson) passed 5/0.

Respectfully submitted by:



Jane Green, Senior Clerk
Development & Inspectional Services

DOCUMENTS REVIEWED AT 12/15/21 CONSERVATION COMMISSION MEETING

Agenda 12/15/21

Minutes 11/17/21

Lot 1(32) North Spencer Road – Order of Conditions

113 Ash Street – Enforcement Order

56 Borkum Road – Determination of Applicability

36 Point Eastalee – Order of Conditions

Briarcliff Lane – Continuance form

U&F – Letter

39 Chickering Road – Replication plan

55 Jolicoeur Ave – Notice of Violation

Tree Removal Policy – General Information

Conservation Department Annual Report