

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, February 10, 2021 at 7:00 PM
Town Hall, McCourt Social Hall

RECEIVED
SPENCER TOWN CLERK
Jesse Johnson
2021 FEB 25 AM 11:44

The Meeting was opened at 7:00 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin, Robert Perry & Warren Snow

Commissioners Absent:

Staff present: George Russell, Jane Green

Staff absent:

Minutes Approved: *A motion to approve the minutes of January 27, 2021 as amended (Emerson/Perry) passed 5/0 with a roll call vote: McLaughlin-yes, Bellemer-yes, Snow-yes, Perry-yes, Emerson-yes.*

Signed: There were no items to be signed.

7:19 p.m. 4.1 Continued the Public Hearing for the Notice of Intent for David Cronin

Property: 24 Oak Lane, Spencer, MA DEP# no file # has been issued

Lori Cronin joined the Hearing. They wanted to make a beach area. They bought sand and spread it down. Mr. Russell received a complaint and went to inspect the site. Sand was being spread on the Bank and land under the pond, therefore impacting two resources areas. This is an after-the-fact NOI. Mr. Russell said that moving the sand would cause more damage. Ms. Emerson wanted to know how much linear feet of the Bank was getting disturbed. Ms. Cronin said 12 x 12 feet. Ms. Cronin said they do not live at the property. They received the notice three weeks after the order was sent. They did not realize they were doing anything wrong. They spoke with the President of the Association and he told them where to get sand. Ms. McLaughlin said that the Commission should notify Bond & the Lake Association about this issue of putting down sand to make beaches. Mr. Perry agreed with Ms. McLaughlin. Mr. Bellemer said that the Commission has been through this before. In the past, the Commission has required the applicant to leave a strip of grass between the sand and the Bank. Mr. Russell wanted the applicant to know that the pond is owned by the state. Mr. Snow did not think that Ms.

Emerson's question was answered. How many linear feet of the Bank were altered? Ms. Cronin said there is 420 feet of waterfront. Mr. Bellemer said that 144 square feet is quite different than 240 square feet. That is significant difference. The Commission would like the applicant to require a condition of a grass strip between the sand and the high-water mark to prevent erosion. The Commission would like to visit the site when the snow is gone.

At the request of the applicant, the hearing has been continued to April 14, 2021.

7:43p.m. 4.2 Continued the Public Hearing for the Notice of Intent for David Harris Property: 53 Highland Street, Spencer, MA DEP#293-1002

David Harris joined the hearing. Mr. Russell said that he did a site inspection. He noticed two truckloads of stone placed in the riverfront. A Stop Work Ordered was issued. The stone had been removed. Mr. Bellemer wanted to know if there was any damage done. Mr. Russell said there was not any damage done. Mr. Harris indicated the stone was for a project he was doing on Wilson Street.

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

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

A motion to approve with the Agent's stipulation at 53 Highland Street (Snow/Bellemer) 5/0 passed.

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

7:50 p.m. 4.3 Opened the Public Hearing for the Notice of Intent for Richard Leveille

Property: Hastings Road, Map 43, Parcel 16/1, Spencer, MA DEP#293-1008

Richard Leveille joined the hearing along with his representative, Mark Elbag. Mr. Elbag said that the reason for this filing was some impact to downstream resources after a storm event. Mr. Russell said this site was outside jurisdiction but when the sediment run-off from the site reached Turkey Hill Brook then it became jurisdictional. That is when he issued a Stop Work Order. No work has taken place since the Stop Work Order. DEP made comments and recommended that the applicant retain the services of a wetland scientist to

evaluate any damage to Turkey Hill Brook, and report back to the Commission. At that point the Commission can make a decision whether they want a restoration plan or not. Mr. Elbag said that this is the first time he heard anything about a wetland scientist. There was discussion about what to do next. The Commission suggested continuing the hearing and re-submit revised plans.

Jonathan Viner joined the hearing. Mr. Viner discussed whether this application should have gone through the Planning Board. Mr. Russell said that in this case, Stormwater becomes jurisdictional to Conservation once the Conservation Commission has to issue a permit. Ms. McLaughlin said that once sediment reached Turkey Hill Brook it became jurisdictional for Conservation because it affected a body of water. Mr. Bellemer said the drainage on Hastings road is designed to go into Turkey Hill Brook. There is a deep trench on the side of the road. The town has to be involved in this also. Steve Tyler, acting U&F Superintendent, joined the hearing and said that site has history

with run-off. He would encourage the Commission to let the new Superintendent know about this site.

At the request of the applicant, the hearing has been continued to February 24, 2021.

8:03 p.m. 4.4 Opened the Public Meeting for the Request of Determination of Applicability for Steve Skowyra

Property: 24 Briarcliff Lane, Spencer, MA

Steve Skowyra joined the meeting. He is the contractor for this project. The property owner would like to pave the driveway and upgrade the existing cesspool to a modern system. Richard Gobi drew the original plans. There need to be a few changes to the plans. Mr. Russell said there were a few issues and he has never seen a stamped engineer's plan that was revised in pencil. He was uncomfortable with that. A drainage ditch has formed that is transporting debris into the resource area. Based on those concerns, the hearing should be closed and the commission issue a positive 4&5. The applicant would have to file a Notice of Intent.

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

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

A motion for a positive 4&5 at 24 Briarcliff Lane (Bellemer/Perry) 5/0 passed.

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

8:08 p.m. 4.5 Continued the Public Hearing for the Notice of Intent for Christine & Edwin Mullen

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

At the request of the applicant, the hearing has been continued to February 24, 2021.

5.0 Other Business:

5.1 32 Shore Drive-Request for Certificate of Compliance

Mr. Russell said that all is ready for the release to be granted.

A motion to release the CofC at 32 Shore Drive (Bellemer/Emerson) 5/0 passed.

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

5.2 Discussion Town Maintenance Permit Work- Meadow Road

Mr. Russell said that the drainage pipes are not functioning and he believes this falls within the U&F Town wide maintenance orders that the Commission issued on Meadow Road. The Commission agrees with this position.

5.3 101 Wilson Avenue – Request for Certificate of Compliance

Mr. Russell said that all is ready for the release to be granted.

A motion to release the Certificate of Compliance at 101 Wilson Avenue (Snow/Perry) 5/0 passed.

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

5.4 Release of Bond, Ahern, 460 Main Street

The Commission released the Orders at the last meeting. The applicant requested the bond to be released.

A motion to release the bond for 460 Main Street (Snow/Emerson) 5/0 passed.

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

Agent's Report:

Mr. Russell said that we are moving towards E-permitting. We are going to need a new color copier and a plotter. Mr. Russell would like a recommendation from the Commission as the process evolves.

Agent's report is appended to and made part of the minutes.

New Applications: Amendments to section 1.5 of the Wetlands Regulations
Brooks Pond – Extension of Order of Conditions

A motion to adjourn the meeting at 8:20 p.m. (Perry/Bellemer) passed 5/0.

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

Respectfully submitted by:



Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at the February 10, 2021 Conservation Commission Meeting

Agenda 2/10/21

Minutes 1/27/21

Agent's Report 2/10/21

Continuance form 24 Oak Lane

Order of Conditions 53 Highland Street

Continuance form Hastings Road

RDA form 24 Briarcliff Road

Continuance form Lot 1 North Spencer Road

Certificate of Compliance 32 Shore Drive

Certificate of Compliance 101 Wilson Avenue

Town of Spencer, Massachusetts

Office of Development & Inspectional Services

Planning Board
Zoning Board of Appeals
Conservation
Board of Health

Town Planner
Inspector of Buildings
Health Agent
Conservation Agent



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If you're going through hell, keep going.
Winston Churchill

TO: Conservation Commission

FM: George Russell, AICP
Conservation Agent

RE: Agent's Report

DATE: 2/10/21

4.0 PUBLIC HEARINGS:

Item 4.1: 24 Oak Lane, NOI: This permit was filed as a result of enforcement action based on complaints received from my office. (See material in your packets.) The application is for sand placed on the bank and under the water of Thompson Pond. The application indicates about 5 yd³ of sand covering about 60 ft² under the water and 240 ft² on the bank and in the buffer.

The material is in place and this becomes a defacto "after the fact" NOI. Therefore, there is very little reason to attach stipulations. However, there are a couple which I think are appropriate: 24, 27, 29 and 30. These would help ensure that there are no additional changes without Commission approval.

The hearing was continued was continued for an NOI # which has not been received.

Item 4.2: 53 Highland NOI: This permit was filed as a result of an enforcement action which is outlined in your packet. The activity has stopped, and the material removed. Like the permit above, this becomes a defacto "after the fact" NOI. Therefore, there is very little reason to attach stipulations. However, there are a couple which I think are appropriate: 24, 27, 29 and 30. These would help ensure that there are no additional changes without Commission approval.

The hearing was continued was continued since no one called in to address the application.

Item 4.3. Lot R43-16-1 NOI: This lot is not jurisdictional. However, work taking place on site caused significant erosion issues with sediment being transported into Turkey Brook. Once this happened, the work on this lot became jurisdictional and a SWO/NOI was issued. The instant permit is a result of that SWO/NOI. Information on the work is included in your packets. We do not yet have a DEP number. When approved, I would recommend the following special conditions: 20, 23, 24, 27-30, 33-35, 37-41, 43, 44, 47, 50, & 52 as well as the following:

All sediment from the site, that has settled in the drainage ditch between the site and #54 Hastings Road must be removed. Prior to beginning clean up coordinate equipment, means, methods and timing with Spencer Highway Foreman to confirm safety, protection of the road and to avoid conflicts with other ongoing work.

When this work is completed, the project engineer must certify, over his/her signature and stamp, as to its completion and any problems encountered. This may be part of the engineer's certification required as part of the request for a release from conditions.

Item 4.4. 24 Briarcliff RDA: This application is for a new septic system. I have generated review comments, a copy of which is in your packets. I have never seen an engineer make changes to a plan in pencil before and submit said changes. I feel that the erosion shown on the photos in your packet must be addressed.

In light of the above, and the fact that RDA's do not get recorded in the land records and are thus more difficult to enforce, I would recommend a positive numbers 4 & 5 since the Commission has determined that the buffer zone is a resource area.

Item 4.5. Public Hearing for the Notice of Intent for North Spencer Road, DEP#293-0987: We are still awaiting the final peer review for this project and the hearing should be continued.

5.0 OTHER BUSINESS:

Item 5.1 32 Shore Drive COC: All is ready for the release to be granted.

Item 5.2. Discussion Town Wide Maintenance Permit: In your packets is background information on work on Meadow Rd, that U & F wants to undertake under the general town wide maintenance Orders that the Commission has issued. I believe the project does fall with the purview of the Orders, but I would like verification from the Commission.

Item 5.3. 101 Wilson Ave COC: All is ready for the release to be granted.

Item 5.4. Release of Bond, Ahern, 460 Main St.: The Orders have been released and the request for the release of the bond has been received. The bond should be released.

6.0 AGENT REPORTS:

Item 6.1: Recommendations on the amendments on forest land have been sent to the town administrator and we are setting up a public hearing on the amendments to the regulations.

Also, the BOS is really pushing going to electronic permitting. When this happens, we are going to need a new color copier (actually, we need that right now) and a plotter since we are going to need to print applications and plans. I will be asking the Commission for a recommendation on this as the process evolves.