

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, February 28, 2024 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 & Warren Snow

Staff present: Lauren Vivier (remote) & Jane Green

2. Sign: There were no documents to sign.

3. Public Hearings/Meetings:

**a. 6:15 p.m. Continued the Public Meeting for the Request for Determination of
Applicability for Walter Marhefka
Property: 76 Thompson Pond Road, Spencer, MA**

The applicant no longer intends to do the work.

**b. 6:16 p.m. Open the Public Hearing for the Notice of Intent for Mark Poce
Property: 31 Wire Village, Spencer, MA no DEP# issued**

There is no DEP number. The applicant requested to continue to the next hearing.

At the request of the applicant, the hearing has been continued to 3/13/24.

**c. 6:18 Open the Public Hearing for the Notice of Intent for Richard Sheridan
Property: 8 Wilson Street, Spencer, MA no DEP# issued**

There is no DEP number yet. Maryann Dipinto, Professional Wetland Scientist from Three Oaks Environmental, said that she delineated the site back in the fall. She discussed the plans for the single-family home. She talked about the drainage and how it will be controlled and about the infiltration plan. Liz Dupre, Civil Engineer of Clear Water Environmental, said that they squeezed the house up near the road. They stayed out of the no disturb zone. Ms. Emerson was concerned with the 25-ft no disturb zone. She wants to make sure the land remains untouched. Ms. Dipinto suggested putting boulders down. Ms. McLaughlin suggested the Conservation markers. Ms. Dipinto said that she spoke with some abutters on the phone who had concerns with potential oil that was discharged on the property. She said Ms. Vivier asked the fire chief and he had no record of any spill in that area. Ms. Dipinto contacted DEP and they could not find anything in their database. She spoke with an LSP (Licensed Soil Professional). If it was discovered that there was an oil spill, work would stop, and it would have to be taken care of. Ms. McLaughlin read a letter from Drew Cormier, a resident at 40 Lincoln Street (see documents reviewed). Ms. Dipinto said she spoke with him on the phone as well. The plan has been revised without any buildings on the plan. The work is for a single-family home.

Gary Lamaro of 13 Wilson Street, wanted to know why there are twenty units on the plan. Ms. Dupre said that they had to show an alternative plan in order to supply the information about the zoning. It is an option for development. This is just a plan for a single-family home.

Joanne Nissen, of 18 Wilson Street, said that she directly abuts the property. The last couple of years have been very wet. She heard there were problems with some oil spill. Dean Chafee, who lived there for years, told her a long time ago, there was an oil spill from the oil company up the street. Ms. Dipinto said that she spoke to LSP, and they told her oil breaks down fast. Ms. Nissen said there is ledge on the land as well. She said Mr. Chafee's house got knocked off its foundation. Gary Laramee of 13 Wilson Street, wanted to know how close the house will be to the dam. He is concerned that it will affect the dam. Ms. Dipinto said that by using infiltration, it will slow the flow down. Mr. Laramee wanted to know if the culvert by his driveway is going to be affected. Richard Sheridan, the applicant, said it will not affect his driveway.

Amy Paul, 43 Lincoln Street, said that she is a mushroom hunter and a wildlife activist. She is concerned with activity around the water. There are some wild mushrooms, spotted salamander, river otter or mink and a fox den up in the woods. She said this needs to be considered when building. She is concerned because we are losing habitat. Bill Lock of 9 Wilson Street, wanted to know what the the grade of the driveway and the house is. Ms.

Dupre said that the elevation of the street and the elevation of the sill of the house is ninety-six. It's going to be a flat yard. The dam is 190-ft from the house. There will be minimal disturbance of soil. Ms. Dupre said there are regulations in place to protect resources and we work under that framework. A resident asked how they handle trees. Ms. Dipinto said that they will remove invasive trees. Mr. Bellemer said that some of the trees are dying. Doug Paul, of 43 Lincoln Street wanted to know how close you can build near a stream that runs all year long. Mr. Bellemer said that the bylaw states that anything within 200-ft is jurisdictional and requires the applicant to come before the Commission. Mr. Bellemer said he would like to go back there and pick up a rock from the stream to see if there is oil. Ms. Dipinto said you can tell the difference between iron bacteria and oil. If you tap the sheen on the water and it breaks up, it is iron bacteria. If you tap the sheen and it goes back, it is oil. Ms. Dipinto added the boulders and markers onto the plans with a pen.

At the request of the applicant, the hearing has been continued to 3/13/24.

4. Other Business:

- a. **21 Ethier Drive – Request for CofC (293-0877)**
Mr. Bellemer and Mr. Shiver went out for the site visit. It looks all intact. They recommend approval.
- b. **21 Ethier Drive – Request for CofC (293-0789)**
Mr. Bellemer and Mr. Shiver went out to the site visit. It looks all intact. They recommend approval.

A motion to issue the Certificate of Compliance for the two projects at 21 Ethier Drive (Bellemer/Emerson) 6/0 passed.

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

5. Agent's Update:

- **Violations & Complaints:** There were no new violations or complaints.
- **Other discussion items:**

Pollinator Forum – March 27, 2023 – Ms. McLaughlin read the letter from Judy Lochner, Oxford Conservation Agent.

6. Citizen Input:

7. Minutes: 2/14/24

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

8. New Applications:

- a. Sugden Reservoir – OOC Extension request – Aquatic management
- b. 22 Sunberg Road – RDA – Pole replacements

9. Continuances:

- a. 10 Meadow Road – waiting on DEP Commissioner variance 4/24/24
- b. U24-17 Meadow Road -waiting on DEP Commissioner variance 4/24/24

10. Adjournment:

A motion to adjourn the meeting at 7:22 p.m. (Emerson/Bellemer) passed 6/0.

Respectfully submitted by:


Jane Green, Senior Clerk
Development & Inspectional Services

Documents Reviewed at the 2/28/24 Conservation Commission Meeting

Agenda 2/28/24

Minutes 2/14/24

Continuance – 31 Wire Village

Continuance – 8 Wilson Street

Certificate of Compliance – (293-0877) - 21 Ethier Drive

Certificate of Compliance – (293-0789) -21 Ethier Drive

Pollinator Forum letter

Drew Cormier letter