

RECEIVED
SPENCER TOWN CLERK
Steve Johnson
2021 MAR 25 AM 9:03

Conservation Commission – Town of Spencer

Minutes



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

NOTE: THIS IS A REMOTE MEETING AND ALL PRESENTATIONS, QUESTIONS, COMMENTS AND/OR DISCUSSIONS WILL TAKE PLACE VIA TELEPHONE CALL IN. IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE CONSERVATION OFFICE BEFORE THE MEETING.

PERSONS SPEAKING CAN ONLY SPEAK WHEN RECOGNIZED BY THE CHAIR AND THEY MUST CLEARLY STATE THEIR NAME AND ADDRESS FOR THE MINUTES.

IN ORDER TO CALL IN, PLEASE CALL: 1-866-899-4679 AND USE ACCESS CODE: 663-651-733

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/663651733>

TO LISTEN TO THE MEETING ONLY GO TO SCATV.ORG

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

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:

2.0 Minutes Approved: *A motion to approve the minutes of February 24, 2021 as amended (Snow/Bellemer) passed 4/0 with a roll call vote: Bellemer-yes, Snow-yes, Emerson-yes, McLaughlin-yes (Mr. Perry was not present yet)*

3.0 Signed: There were no items to be signed.

4.0 Public Hearing/Meetings

7:15 p.m. 4.1 Continue the Public Hearing for the Notice of Intent for Bertin Engineering

Property: Charlton & Bacon Hill Roads, Spencer, MA DEP#293-0984

The applicant's representatives Steve Pikul and T.J. Recuperero joined the hearing. There was a discussion about the additional funding for Peer Review. Mr. Russell recommended denying the application because we had not received the funds. Mr. Recuperero said that the bylaw says that is if we do not pay it, the Commission can deny it. The Commission did not request it. We just want to do Peer Review. It stopped because we set up a meeting and there was a snowstorm. He did not understand why the change order was needed. Mr. Pikul said that he had just spoken with Gillian Davies this afternoon. She told him that anytime an additional request is made over and above what her contract amount is that is considered a change order. There was discussion about the dates for the request of the funds (2/3/21) and why they were not paid. The applicant did not pay because they thought they had enough funds in the account. They realized the Peer Review was additional. Mr. Bellemer would like to go view the site when the applicant and BSC meets there. The members would like to go also. This has been going on for a long time. Mr. Recuperero said that they have been trying to get Peer Review done.

Gary Woodbury, a resident, joined the meeting. Mr. Woodbury said the property located behind his residence and his neighbors has caused a lot of problems ever since it was logged. His well is affected and has a lot of rust in his water. He will be taking action. All of the wells on this street are now affected and producing rust. Mr. Woodbury has lived here for over 30 years. He wants to be clear, the fight is not over. Mr. Russell recommended to Mr. Woodbury to put all that information in writing. That will help to build a record of all the problems with the property. Mr. Woodbury said that our office will be receiving a letter from his neighbors. Mr. Bellemer asked Mr. Woodbury if he would be willing to do a site walk with them. Mr. Woodbury said he knows the land very well, and would be there to join them for a site walk. Mr. Russell wanted to point out for the record, that the Commission has a policy that no wetlands delineation is supposed to be done or reviewed in the winter months when snow covers the ground.

A motion to continue the public hearing to March 24, 2021.

7:38p.m. 4.2 Continue 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 March 24, 2021.

7:44p.m. 4.3 Open the Public Meeting for the Request of Determination of Applicability for Roger Bouley

Property: 135 Smithville Road, Spencer, MA

Mr. Bouley joined the meeting. He wanted to clean up storm damage. There was a discussion on the clean up to make sure that Mr. Bouley uses “light” equipment, e.g. a wood chipper.

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

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

A motion for a negative #2 using light equipment (Snow/Bellemer) 5/0 passed.

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

5.0 Other Business:

5.1 Enforcement Order – Westland Drive

Mr. Russell said that there is vegetative debris placed within jurisdiction. He recommends the Commission approve the enforcement order to get this addressed. He has had no response to three letters that he sent to the owner. Mr. Bellemer wanted to know how far away from the wetlands was the debris. Mr. Russell said it was about 20-feet from the BVW.

A motion for the enforcement order for Westland Drive (Bellemer/Emerson) 5/0 passed.

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

5.2 Discussion – 7 Sycamore Avenue

Mr. Russell said that the issue revolves around trees cut and placed in resource areas and the 25’ no touch zone. In the Commissions packets are pictures and one of them shows a tree lying adjacent to a raft. They are on the bank and LUWB. Harry Hatch joined the meeting. He explained that he has an Order of Conditions. When he was working on the patio and retaining walls, he realized he did not take out enough trees. He wrote a letter to let Mr. Russell know what he did. Mr. Russell said that the problem is that Mr. Hatch put the trees cuttings in three resource areas. There was a discussion about what needs to happen. Mr. Bellemer asked Mr. Hatch how he proposed to move the trees. Mr. Hatch said he would drag them. Mr. Russell pointed out that the debris is beyond the erosion controls which is the limit of work. The Commission discussed amending the Order of Conditions. They all agreed the applicant needs to file an amendment to the Order of Conditions. Mr. Hatch wanted to know if he could get his Stop Work Order lifted, he is building a house. Mr. Russell said until amendment is file and approved, no work can be done.

5.3 Discussion/EO – 24 Oak Lane

Mr. Russell said that DEP is recommending the Commission issue an Enforcement Order for this address, for sand placed on the beach, bank & LUMB. DEP recommended that a wetland specialist prepare a restoration plan.

A motion to issue an Enforcement Order (Snow/Emerson) 5/0 passed.

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

6.0 Agent's Report:

Mr. Russell said that there is a report that was developed by Ginny Scarlett, a previous agent. If the Commission is still comfortable with the duties outlined, Mr. Russell would like the members to sign this document. Mr. Russell would like to add one more addition to the form. The Agent is empowered to coordinate Peer Review.

A motion to adopt the Agent's authorization policy, and review each time there is a new agent (Perry/Snow) 5/0 passed.

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

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

7.0 New Applications: 96 Pleasant Street – Amend OofC
48 East Charlton Road - NOI

A motion to adjourn the meeting at 8:10 p.m. (Bellemer/Perry) passed 5/0.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 3/10/21 Conservation Commission Meeting

Agenda 3/10/21

Minutes 2/24/21

Continuance form North Spencer Road – NOI

Continuance form Charlton Bacon Hill Roads – NOI

Enforcement Order – Parcel U35-79 Westland Drive

Enforcement Order – 24 Oak Lane

Agent's Report

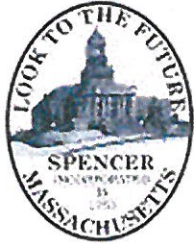
Conservation Commission Packets

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*



*Memorial Town Hall
157 Main Street
Spencer, MA 01562*

*Tel: 508-885-7500 ext.
180*

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

TO: Conservation Commission

FM: George Russell, AICP
Conservation Agent

RE: Agent's Report

DATE: 3/10/21

4.0 PUBLIC HEARINGS:

Item 4.1 Charlton & Bacon Hill Solar Project NOI: This application has still not been approved/acted upon by the Planning Board nor the ZBA. Peer review is on-going, revised plans have been submitted to BSC. The review has been put on hold pending snow melt and the payment of additional peer review funds.

BSC cannot accurately determine the wetlands line on portions of the site due to the "winter conditions". This determination was in your last packet. Therefore, the hearing needs to be continued and I would again recommend to at least the 4/10/21 meeting.

Also included in your packets is a copy of any correspondence concerning this application. This is being included since it has been alleged that there has been a lack of timely correspondence by my office as well as what was "said".

We have yet to receive the required additional peer review funds which were first requested on 2/3/21, again on 2/25/21 & 2/28/21. I want to make it very clear to all, that I will recommend the denial of this application if these additional funds are not received by the meeting.

want to consider an Enforcement Order in addition to a permit, in order to make sure that the permit application and any subsequent work required in a permit is completed within an appropriate time period. Alternatively, should Mr. Cronin decide not to permit the work, he should submit a restoration plan prepared by a wetland specialist to the Commission for its review and approval. Restoration could be authorized through an Enforcement Order should the commission choose to do that rather than a permit.

Denise Child
Wetlands Section Chief
MassDEP CERO

6.0 AGENT REPORTS:

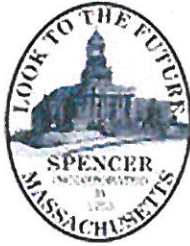
Item 6.1 Attached to this report is a document that was originally developed in 2009. If the Commission is still comfortable with the duties outlined, I would ask that the document be signed by the members when they come in to sign permits.

If something should be added or deleted, please advise so that I can make the changes.

TOWN OF SPENCER

Office of Development & Inspectional Services

*Planning Board
Zoning Board of Appeals
Conservation
Commission
Board of Health*



*Memorial Town Hall
157 Main Street
Spencer, MA 01562*

*Tel: 508-885-7500 ext.
180*

*Town Planner
Inspector of Buildings
Health Agent
Conservation Agent*

The Conservation Agent is authorized to:

- Issue Notices of Violation, Enforcement Orders, and Emergency Certifications as appropriate to be ratified by the Commission at its next scheduled meeting.
- Issue tickets and fines for violations not corrected after a Notice of Violation or Enforcement Order has been issued.
- Conduct inspections and site walks for the Commission.
- Verify wetland delineations.
- Approve erosion control measures during field inspections.
- Require installation of new erosion control measures based on field inspection. New measures to be ratified by the Commission at its next scheduled meeting.
- Represent the Commission at staff meetings, meetings of other Spencer boards and committees, inter-town meetings and meetings with state agencies.
- Speak for the Commission to the Public for public education.
- Speak for the Commission to the Public on other matters as requested by the Commission at a meeting of the Commission.
- Accept or reject for the Commission submissions to the Commission based on completeness or other procedural requirements of the Wetlands Protection Act, its regulations, or the Spencer Wetlands Bylaw.
- Review and sign off on Building Permit Application

SPENCER CONSERVATION COMMISSION

date