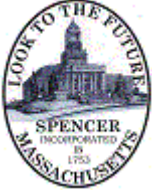


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 10, 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 6:16 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin & Dennis Shiver

Commissioners Absent: Shannon Housh & Warren Snow

Staff present: Lauren Vivier

Staff absent: Jane Green

2. Sign: There were no documents to sign.

3. Public Hearings/Meetings:

**a. 6:16 p.m. Opened the Public Hearing for the Request for Determination of
Applicability for Susan Boucher**

Property: 27 Jolicoeur Avenue, Spencer, MA

Susan Boucher proposed to remove a tree from her property. There are signs of rot and

decay on the tree. The stump will remain. The Commission agreed to the tree removal, and recommended one tree replacement or two shrub replacements.

*A motion to close the public meeting (Emerson/Bellemer) 4/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, McLaughlin-yes
A motion for a negative determination (Emerson/Bellemer) 4/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, McLaughlin-yes*

b. 6:22 p.m. Opened the Public Hearing for the Request for Determination of Applicability for Thomas Mitchell Property: 152 Ash Street, Spencer, MA

Thomas Mitchell proposed to put a front porch on his home. Ms. McLaughlin read the inspection report. The Commission agreed to the porch.

*A motion to close the public meeting (Emerson/Bellemer) 4/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, McLaughlin-yes
A motion for a negative determination at 152 Ash Street (Bellemer/Emerson) 4/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, McLaughlin-yes*

4. Other Business:

a. U15-53 Roy's Drive – Request for CofC (293-1031)

Ms. Vivier said that this was for a two-family home that had an OofC issued last year. Ms. McLaughlin read the inspection report. The Commission said that the silt fence needs to be cleaned out, the grass needs to grow, and a splash block and infiltration gravel area need to be added to the downspouts. Shrubs should be planted on the slope. Nick Shannon attended on behalf of the applicant and asked if sod was an option. Ms. McLaughlin said as long as it takes for the grass to grow. The Commission would like to wait until all of the conditions are met.

b. SCC Rules and Regulations: Ms. Emerson would like replication projects to be ongoing for 3 years. There was a discussion on how to monitor these projects once approved. The Commission would like more time to review these regulations.

5. Agent's Update:

• **Violations & Complaints:**

a. 1 Westland Drive: Ms. Vivier said that when we had all the wind last July, when she was on leave, a lot of material from the project was blown into the water. The owner received a violation. Nothing has been done so far with the cleanup.

- b. **230 North Spencer Road:** The office received an NOI application. Ms. Vivier told the owner that the wetlands need to be re-flagged prior to any approval.
- c. **17 Shore Drive:** Ms. Vivier sent letters and fines that are outstanding. She has not heard anything from the owner. The silt fence needs to be replaced. There is a lot of undisturbed ground. She told the owner to put a gravel bed down to catch all the erosion.
- d. **4 Wildwood Lane:** Ms. McLaughlin said she received a question about the boom. Ms. Vivier will take a drive out there.
- e. **Laureldale Sub-division:** Capstone is trying to get this project going. There is a forest cutting plan which prevents any projects from happening for 5-years. Ms. Vivier wanted the Commission to be aware of this plan.

- **Other discussion items:**

- a. **Spencer Cleanup Day: April 27, 2024**
- b. **Informative flyer on why we don't recommend sand beaches:** Ms. Vivier is working on a flyer to explain the reasons why Conservation does not want sand put down on the beaches of lakes and ponds in Spencer.
- c. **Stormwater Regulations:** Peter Boria, U&F Superintendent, and Ms. Vivier are working on these regulations to make them more cohesive for Conservation, Planning & U&F.
- d. **Conservation Module – E-Permitting:** Ms. Vivier said that we are in the process of getting this up and running.
- e. **Railroad yard – Route 49:** Ms. Vivier had a site visit. They are looking to add two tracks. Some of the work is in the buffer zone and the 25-ft no touch zone and will need to go through Conservation.

6. Citizen Input:

- a. **1 Washburn Drive:** Albert & Donna Starr joined the hearing along with their Attorney, Paula Miller. Ms. Vivier said that at the site visit, the Commission looked at the property beyond the Starr's driveway that leads to the pond. They saw several trees down and leaves building up that were causing a blockage. That blockage is backing up to the Starrs property. Ms. McLaughlin wanted to know who owns the property with the stream on it. Mr. Starr said that Robert Fontaine owns some of the land, Dana Reed owns some of the land and the Starrs owns some of the land. There was a conversation about who owns what land and whose responsibility it is. Ms. Vivier said that the blockage contributes to the problem. Mr. Starr said the water goes through the rocks. Ms. Miller said the Starrs are experiencing issues from both directions. She said that they had a third-party Civil

Engineer come to give a written assessment about the culvert that was installed and approved by the Commission. The Starrs own the Culvert and Mr. Fontaine owns the stream. Ms. Vivier said the reason they invited the Starrs to the meeting was to address some minor cleanup that needs to be done not to discuss the culvert. There was a discussion about the clean up and the issues with the water coming from both sides. This is a civil matter between the neighbors.

7. Minutes: 3/27/24

*A motion to approve the 3/27/24 minutes as amended (Emerson/Bellemer) 4/0 passed.
All in favor: Bellemer-yes, Emerson-yes, Shiver-yes, McLaughlin-yes*

8. New Applications:

- a. 230 North Spencer Road – NOI
- b. 69 Lakeshore Drive - RDA

9. Continuances:

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

10. Adjournment:

A motion to adjourn the meeting at 7:40 p.m. (Bellemer/Emerson) passed 4/0.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at 4/10/24 Conservation Commission Meeting

Agenda 4/10/24

Minutes 3/27/24

DOA – 27 Jolicoeur Avenue

DOA – 152 Ash Street

File – U15-53 Roy’s Drive – Request for CofC

SCC Rules & Regulations

1 Washburn Drive – Document from Civil Engineers analysis.