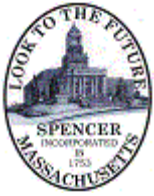


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, April 13, 2022 at 6:15 PM  
Town Hall, McCourt Social Hall

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1. The Meeting opened at 6:15 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson & Mary McLaughlin

Commissioners Absent: Robert Perry & Warren Snow

Staff present: Lauren Trifone & Jane Green

Staff absent:

2. Burncoat Pond – NOI – Continue to 4/27/22  
10 Meadow Road – NOI – Continue to 4/27/22

3. Public Hearing/Meetings

**a. 6:17 p.m. Opened the Public Hearing for the Notice of Intent for Chris Hansen Property: Lot 1 Marble Road, Spencer, MA SW PERMIT no DEP# issued.**

The representative, Seth Lajoie from Seth L. Lajoie & Associates, discussed the septic plan. The Commission looked at the plans. Ms. Emerson wanted to know if they were going to be doing clear cutting and how far back, they plan to go. The Commission would like the plans to show the clearing. The DEP# has not been issued yet.

*At the request from the applicant, the hearing has been continued to April 27, 2022.*

**b. 6:26 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Christine Charon Property: 47 Thompson Pond Road, Spencer, MA**

Christine Charon discussed the proposed tree removal. She hired an arborist. The tree roots are growing under the house. The limbs have been falling and could damage the house. The Commission would like the applicant to put in three replacement plantings. The Commission requires a boom if there is going to be a bucket loader 40 ft in proximity from the water.

*A motion to close the public meeting (Bellemer/Emerson) 3/0 passed.*

*All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye.  
A motion to for a negative determination (Emerson/Bellemer) 3/0 passed.  
All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye.*

**c. 6:34 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Don Bonder**  
**Property: 22 Lamoureux Lane, Spencer, MA**

Don Bonder discussed the proposed tree removal. The roots are disturbing the walkway and foundation. Ms. McLaughlin read the inspection report. The Commission would like two replacement plantings.

*A motion to close the public meeting (Emerson/Bellemer) 3/0 passed.  
All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye.  
A motion for a negative determination (Bellemer/Emerson) 3/0 passed.  
All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye*

**d. 6:38 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Karen Smith**  
**Property: 16 Paxton Road, Spencer, MA**

Karen Smith discussed the proposed fence around her yard. Ms. Trifone was concerned with the water going from the pool into the wetlands. Ms. Smith said the pool was filled with salt water. The Commission discussed the issue with salt water and where the best place to drain it might be. They recommended that a truck drain any water that needs to come out of the pool. Ms. Trifone will reach out to the DEP to see if they have any information on draining pools. They also recommended a hand auger to be used to put in the fence.

*A motion to close the public meeting (Emerson/Bellemer) 3/0 passed.  
All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye.  
A motion for a negative determination (Bellemer/Emerson) 3/0 passed.  
All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye.*

**e. 6:49 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Richard Gaffney**  
**Property: 21 Sherman Grove, Spencer, MA**

The applicant was not present. The Commission would like to continue the meeting.

*At the request from the Commission, the meeting has been continued to April 27, 2022.*

**f. 6:50 p.m. Opened the Public Hearing for the Notice of Intent for Steven Turner**  
**Property: Meadow Road, Spencer, MA SW PERMIT no DEP# issued.**

The representative, Carl Hultgren from Quinn Engineering, discussed the proposed construction of a new restaurant building with a drive-thru and parking lot. They propose

a 4000 sq-ft expansion to the previously approved retail storage building. The Commission looked at the plans. Mr. Hultgren said it will not interfere with the Turtle Exclusion fence and nesting area. They submitted a Stormwater report. He is waiting for comments from Natural Heritage. Ms. Emerson wanted to know what the surface of the driveway was. There will be concrete in the drive-thru and pavement for the rest of the lot. Ms. Trifone wanted to know if the Commission would like proposals from BSC Group for the Stormwater. Mr. Hultgren said that the design will mimic the same as the other plan. It is designed independently with two systems. William Cundiff, U&F Superintendent, wanted information on Zone 2 that has to do with the protection of the public water system. Mr. Hultgren said they have an application with the Planning Board for a special permit because of the critical area which has to do with depth of water. The Commission would like a Peer Review done on the Stormwater.

*At the request from the applicant, the hearing has been continued to April 27, 2022.*

**g. 7:07 p.m. Opened the Public Hearing for the Notice of Intent for William Cundiff Property: Pleasant Street & Smithville Road, Spencer, MA DEP#293-1033**

William Cundiff, Superintendent of U&F, discussed the proposed highway project. The work will be done on Pleasant Street, High Street, Meadow Road, Smithville Road, and Pleasant Street. There will be reconstruction of the road, drainage, and infrastructure work. Chris Sokolowski, of Bayside Engineering, discussed the plans. There is 14,000 sq-ft of impact to the buffer zone. They will be converting to deep sump catch basins for best management practices. Mr. Bellemer said that when the last house on Valley View Drive was built, people were getting water in their cellars. Mr. Cundiff said that they will be putting in sidewalks. That may help with the run-off.

*A motion to close the public hearing (Emerson/Bellemer) 3/0 passed.*

*All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye.*

*A motion to approve the Order of Conditions with conditions (Emerson/Bellemer) 3/0 passed.*

*All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye.*

**h. 7:21 p.m. Continued the Public Hearing for the Notice of Intent for Bertin Engineering Property: Charlton & Bacon Hill Roads, Spencer, MA DEP#293-0984**

The applicant was not present. Ms. Trifone discussed the lack of response from Bertin Engineering. They had Peer Reviews from SWCA and BSC Group. Ms. Trifone spoke with BSC to see what the process would be if they resubmit. They could do a “change of order” which would require no additional cost to them. This application has been going on since February 6, 2020. The Commission decided to DENY the application for lack of response.

*A motion to close the public hearing (Emerson/Bellemer) 3/0 passed.*

*A motion to DENY the NOI due to lack of information (Bellemer/Emerson) 3/0 passed.*

*All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye.*

- 4. Other Business:** Ash Street – Jan Parke wanted to know if Common Ground Land Trust could go on the site visit when the Commission goes on the site walk.

**5. Agent's Update:**

- a. **Town Warrant** – A ConCom member should be at the Town Meeting to represent Conservation.
- b. **Violations** – Briarcliff – The resident removed the stairs. Ms. Trifone did not find any information from Mr. Russell regarding the complaint (cut trees to waterfront).
- c. **6 & 9 Marble Rd** – Ms. Trifone observed clearing. She is going to look into this further.
- d. **Smithville Rd** – Sent letter to resident that they need to be at the next meeting.
- e. **Westland Drive** – Received Court summons.
- f. **Browning Pond** – The resident paid one of the fees.
- g. **Court Summons meeting** – Ms. Trifone asked the Commission if they could be at the hearing to represent the Commission. She will be out that day.
- h. **Town Clean-up** – First Congregational Church, April 23, 2022.

**6. New Applications:**

- a. **424 Main Street – RDA**
- b. **Ash Street – NOI**
- c. **27 Sherman Grove - CofC**

**7. Minutes:** 3/23/22 – *A motion to approve the minutes as amended (Bellemer/Emerson) 3/0 passed.*

*All in favor: Bellemer-Aye, Emerson-Aye, McLaughlin-Aye.*

**8. Adjournment:**

*A motion to adjourn the meeting at 7:45 p.m. (Bellemer/Emerson) passed 3/0.*

Respectfully submitted by:

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Jane Green, Senior Clerk  
Development & Inspectional Services

### **Documents Review at the 4/13 2022 Conservation Commission Meeting**

Agenda 4/13/22

Minutes 3/23/22

Continuation form Lot 1 Marble Road

DOA - 47 Thompson Pond Road

DOA - 22 Lamoureux Lane

DOA - 16 Paxton Road

Continuation form 21 Sherman Grove

Continuation form Meadow Road

Order of Conditions – Pleasant Street & Smithville Road