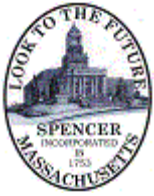


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 27, 2022 at 6:15 PM
Town Hall, McCourt Social Hall

If remote, please join the meeting from your computer, tablet or smartphone.

IN-PERSON AND REMOTE MEETING

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

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

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

Commissioners Present: Charlie Bellemer, Margaret Emerson (arrived late), Mary McLaughlin, Bob Perry & Warren Snow

Staff present: Lauren Trifone

Staff absent: Jane Green

2. Public Hearing/Meetings

a. 6:16 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Keith Audette

Property: 324 Main Street, Spencer, MA

Keith Audette discussed the proposed 1000 gallon double walled fuel cell for his business. Ms. McLaughlin read the inspection report. Mr. Audette spoke with Chief Parsons about the tank. Mr. Audette has a spill kit on site.

A motion to close the public meeting (Perry/Bellemer) 4/0 passed.

All in favor: Perry-Aye, Bellemer-Aye, Snow-Aye, McLaughlin-Aye.

A motion for a negative determination (Snow/Perry) 4/0 passed.

All in favor: Perry-Aye, Bellemer-Aye, Snow-Aye, McLaughlin-Aye.

b. 6:22 p.m. Continued the Public Meeting for the Request for Determination of Applicability for Richard Gaffney

Property: 21 Sherman Grove, Spencer, MA

The applicant was not present.

At the request of the Commission, the hearing has been continued to May 11, 2022.

c. 6:24 p.m. Continued the Public Hearing for the Notice of Intent for Robert Dirs

Property: Burncoat Pond, Spencer, MA DEP#293-1030

Dominic Meringolo, from Solitude Lake Management, discussed the vegetation treatment. They submitted an addendum to the NOI. Mr. Meringolo went over the additional information. They will not be using some of the herbicides. There was added information on winter drawdown. We had comments from Mass Audubon. Solitude sent the addendum to the Town of Leicester as well. The Commission talked about the need to wait until they get approval from Natural Heritage for the chemical treatment. They need to submit their plans yearly to Natural Heritage and the Commission. Ms. Trifone went over the Conditions.

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

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

A motion to approve the NOI with conditions (Perry/Bellemer) 5/0 passed.

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

d. 6:53 p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour

Property: 10 Meadow Road, Spencer, MA DEP#293-1007

Gary Macmuson of CMG Environmental, did an evaluation of the solid waste. It does not require a notification to the DEP. The proposed work is to remove the solid waste from the surface. This does not need to be in the Massachusetts Contingency plan system. Mr. Macmuson said that he will do inspections if something triggers notification. Glenn Krevosky of EBT Environmental Consultants, Inc. said that there is 9000-sq.ft of riverfront area. They are finishing up the BVW. He discussed plans.

At the request of the applicant, the hearing has been continued to May 11, 2022.

e. 7:07 p.m. Continued the Public Hearing for the Notice of Intent for Chris Hansen

Property: Lot 1 Marble Road, Spencer, MA SW PERMIT DEP#293-1034

Seth Lajoie, the representative from Seth L Lajoie & Associates, discussed two revisions to the plans. Mr. Lajoie said that they added the sump for the well to the plans. They are not going to encroach on the 50-ft buffer zone. Ms. McLaughlin read the inspection report. Ms. Trifone read the special conditions for the plans. A resident, Robert Ceppi, asked if there will be any increase of water on the property that could head to the culvert

on Marble Road. Chris Hansen said that the grade already runs downhill and they aren't changing the grade. Mr. Lajoie said they have two swales for stormwater to help mitigate any water. Any increase in run-off is accounted for in stormwater management.

A motion to close the public hearing (Perry/Emerson) 4/0 passed

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

A motion to approve the NOI with conditions (Perry/Emerson) 4/0 passed

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

f. 7:25 p.m. Continued the Public Hearing for the Notice of Intent for Steven Turner Property: Meadow Road, Spencer, MA SW PERMIT No DEP# issued.

Ms. Trifone said that the applicant would like to continue. They are waiting for Peer Review and comments from Planning Board and DEP.

At the request of the applicant, the hearing has been continued to May 11, 2022.

g. 7:26 p.m. Opened the Public Hearing for the Notice of Intent for Colin Derhammer

Property: R27-1 Ash Street, Spencer, MA No DEP# issued.

Eloi Qorri, from Bertin Engineering, discussed the property as he presented the plans. Mr. Bellemer was concerned with one of the discharge locations. It appears too close to a backyard of an abutting home. Mr. Qorri said it was an overflow riprap going downhill. Ms. Trifone would like to see the Peer Review when that is done. She has concerns with the drainage.

A resident, James Pervier, said that he did not receive abutter notification. Mr. Pervier said that there is a lot of wildlife on the property. He wanted to confirm if the egress was going to be on the snowmobile trail. He wanted to know what the development was going to be. Mr. Qorri said the proposal is for Subdivision. Mr. Pervier said that Ash Street is a very brittle old small road. He wanted to know if the road would be re-done. Mr. Qorri said that it could be put in the conditions. Mr. Pervier wanted to know how many lots are buildable. Ms. Trifone said there are two lots with no structures. He wanted to know how many square acres are buildable. Mr. Qorri did not know that yet. Mr. Pervier said there is a lot of ledge and big rocks. He wanted to know if the mid-state trail would have to re-route. Ms. Trifone said she did not believe so. He wanted to know who does the inspection for the vernal pool? Ms. Trifone said a lot of folks are included. There is a Peer Reviewer, the Commission, the Planning Board and department heads.

A resident, Maureen McDonald, said that the topography is not easy for construction. She is concerned that the area will become too congested. Mr. Qorri said they have done numerous test pits and are aware of the bedrock and groundwater. A resident, Robert Phaneuf, wanted to know if they were going to build houses because he had seen previous plans showing that. Mr. Bellemer said they were old plans.

An abutter, David Caputa, said that when it rains, the pond flows over to his yard. His front yard is like a swimming pool. He said his yard is going to get worse once they put the road in. He agreed that the road is not built for tractor trailers. Along the dirt road it is all wetlands. He said they don't care about the residents, it's all about money. He discussed the truck traffic and how they leak oil which is very concerning to the waterways and wildlife habitat.

Mr. Pervier spoke again and wanted to know if there was an egress on the property. Ms. Trifone said the applicants, attorneys, and assessors are researching the proper ownership of the land in question. He wanted to know if the town requires a bond be in place and that when the panels are decommissioned, if the land returns to its natural state. Ms. Trifone said that the town will require a bond and decommissioning plan.

A resident, Tyler Cradler, wanted to discuss the easement on his property. Mr. Qorri said they do not have any plans to do anything with that area. Robert Ceppi wanted to let everyone know that they need to stay on topic with this project. Mr. Caputa talked about the beavers that make dams in the ponds on that road.

At the request of the applicant, the hearing has been continued to May 25, 2022.

3. Other Business:

- a. **18 Elm Street – Request for CofC** – Ms. Trifone recommended approval. She showed the photos to the Commission.
A motion to approve the CofC (Perry/Bellemer) 5/0 passed.
All in favor: Perry-Aye, Bellemer-Aye, Emerson-Aye, Snow-Aye, McLaughlin-Aye
- b. **32 North Spencer Road – Discussion on Bond status** – The owners are selling the property. They have a bond of \$10,500. Ms. Trifone has a few suggestions on what to do. The Commission would like advice from Town Counsel.
- c. **28 South Spencer Road- Discussion on project status** – Glenn Krevosky said the work is done at this site. They will be looking for a CofC.
- d. **31 Pointe Eastalee – Discussion, possible plan change**- Mary Ann Brescia said they have a permit to build a deck. They want to build stairs in a different location due to the location of the existing septic. They will put down new pavers.
A motion for the plan change (Emerson/Bellemer) 5/0 passed.
All in favor: Perry-Aye, Bellemer-Aye, Emerson-Aye, Snow-Aye, McLaughlin-Aye
- e. **107 Smithville Road – Discussion on violation** – Ms. Trifone said that the owner received a violation for taking down a tree in the wetlands. William Phillips said he took down four trees. The Commission looked at the photos while Mr. Phillips discussed the reason for the removal. He did not know he needed a permit. The trees were rotted. Ms. Trifone would like an after-the-fact RDA to be filed with the office. The Commission would like replacement plantings.

- f. **27 Sherman Grove – Request for CofC** – This project was a retaining wall with stairs. Ms. Trifone recommends approval. The Commission looked at the pictures.

*A motion to issue the Certificate of Compliance (Perry/Emerson) 5/0 passed.
All in favor: Perry-Aye, Bellemer-Aye, Emerson-Aye, Snow-Aye, McLaughlin-Aye*

4. Agent's Update:

- a. **Open/new violations**- 6 Cranberry/8 Briarcliff -The owner of 8 Briarcliff submitted a public record request. The stairs have been removed. We are still addressing the tree removal.
- 39 Kingsbury – They were recently informed on the dumping. We need to look into it.
 - Spillway at Cranberry Meadow – complaint of blockage. Ms. Trifone went out with the Superintendent. It is not on the Town's property. She reached out to the Lake Association. A possibility could be to look into some grants to help maintain it.
- b. **Report on Town Clean-up Day**- Over fifty people volunteered to pick up the town. Ms. Trifone proposed to have another clean-up day in the Fall.
- c. **Board Openings** – Ms. Trifone discussed the need for more members with some of the boards. We can post on the Town's website.
- d. **Town Meeting** – Ms. McLaughlin mentioned that someone needs to be there at the meeting.

5. New Applications: Browning Pond – NOI
35 Oakland Drive - RDA

6. Minutes: 4/13/22 – Table to May 11, 2022

7. Adjournment

A motion to adjourn the meeting at 9:05 p.m. (Perry/Bellemer) passed 5/0.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at 4/27/22 Conservation Commission Meeting

Agenda 4/27/22

DOA – 324 Main Street

Continuance form – 21 Sherman Grove

Order of Conditions – Burncoat Pond

Continuance form – 10 Meadow Road

Order of Conditions – Lot 1 Marble Road

Continuance form – Meadow Road

Continuance form – R27-1 Ash Street

Certificate of Compliance – 18 Elm Street

Certificate of Compliance – 27 Sherman Grove

Public Records Request – 8 Briarcliff Lane