

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 28, 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.

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

<https://www.gotomeet.me/tmiller4/conservation>

IN ORDER TO CALL IN, PLEASE CALL: 1-571-317-3122 AND USE ACCESS CODE: 454-205-589

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: Jane Green

Staff absent:

RECEIVED

MAY 18 2021

Spencer Town Clerk

NCM

2.0 Minutes Approved: *A motion to approve the minutes of April 14, 2021 as amended (Perry/Emerson) 5/0 passed with a roll call vote: Emerson-yes, Perry-yes, Bellemer-yes, McLaughlin-yes. Mr. Snow abstained from the voting.*

3.0 Signed: 1 Nottingham Circle – Emergency Certification

A motion to approve the Emergency Certification with provisions as discussed (Emerson/Perry) 5/0 passed.

4.0 Public/ Hearing/Meetings

4.1 7:11 p.m. Continued the Public Hearing for the Notice of Intent for Bertin Engineering

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

Steve Pikul joined the hearing. He said that they are waiting for the comments from BSC Group. The wetland line is under question and BSC has to verify the line. The Commission would like the office to call BCS Group to find out the status of the review.

At the request of the applicant, the hearing has been continued to May 12, 2021.

4.2 7:15 p.m. Continued the Public Hearing for the Notice of Intent for Christine & Edwin Mullen

Property: Lot 1 North Spencer Road, MA DEP#293-0987

The applicant's representative emailed the office to inform us that they are working with NHESP to revise the D.R. due to the property lines metes and bounds revision.

At the request of the applicant, the hearing has been continued to May 12, 2021.

4.3 7:16 p.m. Continued the Public Hearing for the Notice of Intent for David Cronin

Property: 24 Oak Lane, Spencer, MA DEP#293-1009

Mrs. Cronin joined the hearing regarding the sand placed on the beach and in the water. The Commission discussed a remediation plan so that sand does not go into the water. There are special conditions added to the Order of Conditions. There needs to be a 3-ft wide strip of vegetative material to be planted and maintained to the length of the sand beach and in between the beach area and the high-water mark of the pond. This is to prevent erosion of the sand into the water. Mr. Bellemer highly recommended sod.

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

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

A motion to approve the plans with special conditions (Perry/Snow) 5/0 passed.

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

4.4 7:31 p.m. Continued the Public Hearing for the Notice of Intent for Richard Leveille

Property: Hastings Road, Map 43, Parcel 16/1 Spencer, MA DEP#293-1008

The applicant's representative Mark Elbag and the owner Richard Leveille joined the hearing. The application is for a single-family home with a driveway. This application became jurisdictional when impact occurred downstream into Turkey Hill Brook. They received a Peer Review and scope which was very costly. There was a discussion about the breakdown of the cost. The Commission asked for erosion controls. Haybales and wattles were not staked. The concern is regarding erosion and that is why the Commission got involved. There was discussion about Peer Review.

At the request of the applicant, the hearing has been continued to May 12, 2021.

4.5 7:40 p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour

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

At the request of the applicant, the hearing has been continued to May 12, 2021.

4.6 7:52 p.m. Opened the Public Hearing for the Notice of Intent for Robert Perry Property: 21 Castle Lane, Spencer, MA DEP no number has been issued.

Robert Perry recused himself. The project is to build a single-story garage. It will occur outside the 25-ft no disturb zone. There will be provisions for run-off from the roof to go into a rain garden. Mr. Bellemer wanted to know if he was going to take up the old asphalt. Mr. Perry said the asphalt would be removed and in place will be a permanent concrete foundation. Mr. Bellemer wanted to know how far back the trench is from the pond. Mr. Perry said it is a minimum of 100-ft from the lake. There is no DEP number.

At the request of the applicant, the hearing has been continued to May 12, 2021.

4.7 8:00 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Jamie Riedle

Property: 49 Thompson Pond Road, Spencer, MA

Jamie Riedle joined the meeting. The Commission observed tracks going down towards the lake. Work was done within 100-ft of the lake. Mr. Riedle would like to cut the roots down with loppers and put down loom and re-seed. Mr. Bellemer said that it looked like someone removed a large tree. Mr. Riedle said that he pulled up a rotted stump. Ms. McLaughlin said that they saw a lot of exposed roots. Mr. Bellemer said that Mr. Riedle needs to put straw wattles down right away with double stakes. Otherwise, dirt will wash into the lake. Once the grass has grown and there have been 3 mowings, call the office so the Commission can do an inspection. Mr. Riedle wanted to know if he could grind a stump that is near the road. The Commission told him to leave the roots and grind it flush with the ground.

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

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

A motion to approve the #3 Determination with stipulations (Perry/Emerson) 5/0 passed.

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

4.8 8:15 p.m. Opened the Public Hearing for the Notice of Intent for Timothy Driscoll, Jr.

Property: Ash Street, Spencer, MA DEP#293-1011

The applicant's representative Scott Morrison joined the hearing. The proposed work is for a single-family home. Mr. Morrison discussed the project. Mr. Perry said it is a tight lot. Mr. Morrison said they combined 3 lots into 1 lot. The other lots were not buildable. The Commission discussed the site visit.

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

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

A motion to approve the plans with standard conditions (Snow/Perry) 5/0 passed.

5.0 Other Business:

5.1 Town Council – Discussion

The discussion was about the rewording of Article 32. Two sections need to be reworded. It needs to define the basal area and tree cutting. Bill Shemeth addressed section 16.6 regarding the forest cutting 5 year waiting period, which comes from the state forest cutting regulation. The provision is intended to make sure the 5-year waiting period of the state law applies. If the Commission votes and it is determined that it is not within scope, then it will go to Town Meeting.

A motion to vote on Article 32 to accept the amended language as presented (Perry/Snow).

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

5.2 Enforcement Order – 113 Ash Street

There was a discussion about the trailer on the land. The building inspector is working on this violation.

5.3 Discussion – 45 Kingsbury Road

Mr. Morrison explained the property changed hands multiple times with the septic not being installed. It was approved in 2016/2017. The contractor went in and installed it. At the tail end of putting the loam down, someone complained that work was being done in the buffer zone. The Conservation Agent went out to inspect. Mr. Morrison told the owner to seed it and stabilize it with mulch and file an RDA. Ms. McLaughlin spoke with Mr. Bercume who felt bad and wants to help with whatever needs to be done.

5.4 Work along ponds in town

The Commission would like to discuss this at future meeting.

5.5 56 Wire Village Road – Discussion

The Commission discussed the tree that looked like it was taken down. Mr. Bellemer went to check out the site, and said it looks like it could have fallen naturally. There was a discussion about the animals on the site. The Commission would like the Board of Health Agent to look into this because there is manure near the brook.

6.0 Report from Chair:

20 & 32 McCormick Road

Betsy Mason called Ms. McLaughlin about 20 & 32 McCormick Road. Ms. Mason wanted to know what the hold up was for the building permit that Conservation needs to sign.

Spencer Abbey -North Spencer Road
Herbicide treatment.

A motion to allow herbicide treatment at the Spencer Abbey (Bellemer/Snow) 5/0 passed.

Administrative Approval

This is currently unavailable due to no Conservation Agent.

4 Lots on North Spencer Road

There has been a driveway added to the fourth lot. The building inspector needs to find out about this because the land is ripped up.

7.0 New Applications: 19 Gold Nugget Road -RDA
31 Old Farm Road – RDA
76 Wilson Street – RDA
70 Hastings Road - RDA

A motion to adjourn the meeting at 9:23 p.m. (Perry/Bellemer) passed 5/0.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

DOCUMENTS REVIEWED AT THE 4/28/21 CONSERVATION COMMISSION MEETING

Chair's report 4/28/21

Agenda 4/28/21

Minutes 4/14/21

Continuance form Charlton & Bacon Hill Roads

Continuance form Lot 1 North Spencer Roads

Order of Conditions 24 Oak Lane

Continuance form Hastings Road

Continuance form 10 Meadow Road

Continuance form 21 Castle Lane

Determination for 49 Thompson Pond Road

Order of Conditions Ash Street

Emergency Certification – 1 Nottingham Circle