



# Conservation Commission – Town of Spencer

## *Minutes*

Conservation Commission Meeting  
Wednesday May 10, 2023 at 6:15 p.m.  
Town Hall, McCourt Social Hall

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

IN-PERSON AND REMOTE MEETING

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**PLEASE MUTE CELL PHONES AND ELECTRONIC DEVICES. IF ATTENDING REMOTELY, PLEASE REMAIN ON MUTE AT ALL TIMES, EXCEPT WHEN SPEAKING!**

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

**2.** Signed: Copy of OOC for Meadow Road Rehabilitation

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin, Shannon Thibault & Warren Snow (remote)

Staff present: Lauren Vivier, Jane Green

### **3. Public Hearings/Meetings:**

**a. 6:17 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Maureen Flynn**

**Property: 21 Lakeshore Drive, Spencer, MA**

Ed Bergin said he wanted to resurface the patio. Ms. Vivier said that we issued an Administrative Approval for the tree removal. The Commission would like a minimum of 1” of crushed stone (not rounded) to be used at the edge of the patio.

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

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

*A motion for a negative determination (Emerson/Bellemer) 5/0 passed.*

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin*

**b. 6:27 p.m. Opened the Public Meeting for the Request for Determination of**

**Applicability for Richard Salkind**

**Property: 15 Point Eastalee, Spencer, MA**

Richard Salkind said that they would like to put new pavers in the patio and extend it a few feet. Mr. Bellemer wanted to know if it was going to be dug by hand. Mr. Salkind said that he was going to hire a contractor. Mr. Bellemer told him he will need a boom with hydraulic equipment if there will be any digging. Mr Salkind said that the contractor will do what is required.

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

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

*A motion for a negative determination with conditions (Bellemer/Emerson) 5/0 passed.*

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

**c. 6:33 p.m. Opened the Public Meeting for the Request for Determination of**

**Applicability for James Gallagher**

**Property: 11 Jolicoeur Ave, Spencer, MA**

James Gallagher said that he wants to remove a tree that is hanging over the house. The Commission would like one replacement planting.

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

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

*A motion for a negative determination with a replacement tree (Emerson/Bellemer) 5/0 passed.*

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

**d. 6:36 p.m. Opened the Public Meeting for the Request for Determination of**

**Applicability for John R. Matthews**

**Property: 87 Lakeshore Drive, Spencer, MA**

John Matthews said that he wants to replace the dock. Mr. Bellemer wanted to know what the black pipes were for that were near the house. Mr. Matthews said that when he bought the home, out of foreclosure, part of the plan was to put in a drainage system. He hired multiple contractors, but they fell through. The barrels were supposed to catch the drainage. All this work was before Conservation a few years ago, but the permit expired.

Mr. Matthews is in the process of getting another contractor. The Commission told Mr. Matthews that the boom needs to come out; it's falling apart.

Ms. Vivier wanted to know what was to happen with the shrub in front of the dock. Mr. Matthews said that he would like to remove the shrub. After discussion, Mr. Matthews said he would move the dock so the shrub does not need to be removed. The Commission wanted to know what the dock will sit on in the water. Mr. Matthew said it will be on concrete blocks. The Commission would like a separate filing to get the barrels in and complete the drainage system. The Commission would like Mr. Matthews to file a new application for the drainage work within the month.

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

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

*A motion for a negative determination (Emerson/Bellemer) 5/0 passed.*

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

**e. 6:55 p.m. Opened the Public Hearing for the Notice of Intent for Chris Urbsis  
Property: 181 Ash Street, Spencer, MA DEP#293-1055**

Maryann Dipinto from Three Oaks Environmental, discussed the septic design. The house is outside the buffer zone. The Commission looked at the plans. Mr. Bellemer wanted to know why the septic was close to the house. Liz Dupre from Clear Water Environmental, said that when they did some testing, they saw outcropping by the trees. Ms. Depinto said that it perced well and there was good soil by the house.

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

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

*A motion to accept the plans with conditions (Bellemer/Emerson) 5/0 passed.*

*All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

**f. 7:01 p.m. Continued the Public Hearing for the Notice of Intent and SW Permit  
for Colin Derhammer**

**Property: R27-1 Ash Street, Spencer, MA DEP#293-1037**

Calisto Bertin, P.E. from Bertin Engineering gave updates to the project. He said that there are five potential vernal pools. They moved the cul-de-sac road and the replication area. Mr. Bellemer wanted to know if the driveway that is adjacent to the site could be used as an entrance for the snowbirds. Mr. Bertin said that there is some space beside the road and at the side of the driveway that may work.

Matt Defosse, a resident wanted to know how much clearing is anticipated. Mr. Bertin said that there is about an acre of clearing. Mr. Defosse said that along the eastern border there are critical environmental concerns. There are vernal pools, a large area of water in the center of the site, a stream near the eastern border, and a half of dozen areas identified

as wetlands and two or three areas identified as bog areas. On the western side, there is a lack of stormwater controls. There are no hydrants in the area. Applicants should follow the Master Plan regarding proposed projects.

*At the request of the applicant, the hearing has been continued to 6/14/23.*

**g. Continued the Public Hearing for the Notice of Intent and SW Permit for Colin Derhammer**

**Property: Charlton & Bacon Hill Road, Spencer, MA DEP#293-1040**

Calisto Bertin, P.E. from Bertin Engineering said that they submitted plans on 4/13/23, and they addressed the Peer Review and drainage issues. There was a comment about the wetland replication area. They moved the replication area to down a gradient side. The Planning Board had an issue with drainage. Mr. Bertin said they are working on that.

Adrian Lennon, a Senior Ecologist from BSC Group, Inc., reviewed the reports. She appreciated that they moved the replication area to a more suitable location. They did not get a reference number for the water quality certification. BSC asked for documentation of the existing cart path and trails and has not received any. According to the DEP comments, the work in the BVW does not meet the performance standards of 65%. At this time the plans show 58 % of impervious surface. Mr. Bertin supplied a line-by-line response letter. The cart paths are not near the road area, so they did not delineate them. Mr. Bertin wanted to know what the water quality cert. was needed for. Ms. Lennon said for installation of the roadway, they need to replicate the wetlands. The Commission discussed this and would like to see the existing disturbance in the cart paths. Matt Defosse a resident, wanted to know how many acres are going to be cleared. Mr. Bertin said one acre will be cleared. Mr. Defosse said the stormwater controls are quite far from the boundaries of the site. He said the southwest corner of the site has been identified as a wellhead protection area. There is a river or stream that runs straight through the site. The center of that site is identified as prime farmland soil. He said the projects are going to destroy the land. Mr. Bellemer said that the latest plan includes blasting a lot of ledge, starting on Ash Street. He said that last year Bertin Engineering said there would be no blasting. The Commission said that could change the hydrology.

Aaron Hutchin from 225 Charlton Road, said that the blasting is going to happen 28-ft from the side of his home and 20-ft from his well. He has concerns with the water table. In the rear of his property the land is entirely flooded. Every time it rains, water runs through his yard like a river. Since they did the logging about six or seven years ago, he said there are holes in the lawn. There is a hole about 8-ft away from his pool. He cannot believe they would blast so close to his home. Ms. McLaughlin wanted to know if there were regulations regarding blasting. Ms. Lennon said that she has seen other Commissions request chipping versus blasting. It is less impactful. DEP does not intervene with activities of blasting. The fire department is usually concerned with blasting and the Board of Health with water quality. Ms. Emerson said that you cannot predict what happens underground when there is blasting. Granite cracks in many ways. Mr. Hutchins said that the applicant botched the survey and where they cut in the road to do core testing. He said that they cut down a bunch of his neighbors' trees and ripped out his garden, which is not their property. Mr. Bertin said that he reached out to Mr.

Hutchins a few weeks ago to discuss his concerns. Dave Nussey from 227 Charlton Road, said he wondered if the blasting would affect the Aquifer. He said that the Chairman of the Planning Board said that if they did this up on Bacon Hill Road, there would be plenty of room for a road.

*At the request of the applicant, the hearing has been continued to 6/14/23.*

#### **4. Other Business:**

- a. **7 Debbie Drive – Request for CofC:** Ms. Vivier said that this request was for a septic system. She did a site visit with Mr. Bellemer and everything looked good.

*A motion to issue a CofC (Emerson/Bellemer) 5/0 passed.  
All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow- yes,  
McLaughlin- yes*

- b. **Discussion: Adopt/modify “Tree Removal Policy” and review associated guidance documents/forms:** Ms. Vivier made modifications to the policy. Mr. Bellemer proposed an idea to have the GIS map be used at the meetings to show where the trees are instead of a sketch.

*A vote to adopt the tree removal policy with modifications (Emerson/Bellemer) 5/0 passed.*

#### **5. Agent’s Update:**

- a. **Violations & Complaints:** Ms. Vivier said there were no new violations.
- b. **Other Discussion items:**

- **Hastings Road:** Ms. Vivier said that they made a trench at the bottom of the driveway to catch water. She said that it is a step in the right direction.
- **Westland Drive:** Ms. Vivier has court on May 23, 2023 on the violations she has given out for dumping.
- **Townwide Clean-up:** The same amount of people as last year attended. Ms. Vivier hopes that the more we do it, the more residents will help clean up their town.

- **Master Plan Advisory Committee:** The Committee is having their visioning night at the Spence Fish & Game club next Wednesday, May 17th from 5-7p.m. There will be different tables that represent different chapters of the Master Plan. Ms. Viver encourages the Commission to attend as ambassadors for the community.
- **Energy Storage Systems:** Chief Parsons attended a class on this and is in the process of updating the fire department's requirements for the systems. Ms. Emerson wanted to know if that included homes too. She said that New York City had banned them because they caught on fire.

## **6. Minutes: 4/26/23**

*A motion to accept the minutes with the changes made (Emerson/Bellemer) 5/0 passed.  
All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

## **7. New Applications:**

- a. **43 Point Eastalee Drive – RDA – Tree removal**
- b. **31 Wilson Ave – NOI – Demolish home & rebuild**
- c. **7 Cedar Road – RDA – Placement of two platforms**

## **8. Continuances:**

- a. **10 Meadow Road – 5/24/23**
- b. **U24-17 Meadow Road – 5/24/23**
- c. **68 Browning Pond Road – 5/24/23**
- d. **52 Browning Pond Circle – 6/28/23**

## **9. Adjournment:**

*A motion to adjourn the meeting at 8:21 p.m. (Emerson/Bellemer) 5/0 passed.  
All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

Respectfully submitted by:

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Jane Green, Senior Clerk  
Development & Inspectional Services

**DOCUMENTS REVIEWED AT 5/10/23 CONSERVATION COMMISSION MEETING**

AGENDA 5/10/23

MINUTES 4/26/23

OOC – MEADOW ROAD REHABILITATION

DOA – 21 LAKESHORE DRIVE

DOA – 15 POINT EASTALEE

DOA – 11 JOLICOEUR AVENUE

DOA – 87 LAKESHORE DRIVE

OOC – 181 ASH STREET

CONTINUANCE R27-1 - ASH STREET

CONTINUANCE – CHARLTON & BACON HILL ROADS

TREE REMOVAL POLICY

PHOTOS – 225 CHARLTON ROAD

COFC – 7 DEBBIE DRIVE