

Conservation Commission – Town of Spencer

Minutes

Conservation Commission Meeting
Wednesday May 24, 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

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

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

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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.

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

Staff present: Lauren Vivier, Jane Green

2. Public Hearings/Meetings:

a. 6:15 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Cody Berman

Property: 43 Point Eastalee, Spencer, MA

The applicant was not present at 6:15 p.m. At 7:02 p.m. Ruth Berman, who represented the applicant arrived at the meeting. She said that Cody wanted to remove two large pine trees.

Branches have been falling. Mr. Berman and the neighbor have been concerned for years. Ms. McLaughlin said that the Commission thought the trees looked healthy. If Cody can get a letter from an arborist stating that the trees are dying, he can take them down, once the Commission sees the letter.

At the request of the applicant, the hearing has been continued to June 28, 2023.

b. 6:17 p.m. Opened the Public Hearing for the Notice of Intent for Miroslaw Swiderski

Property: 31 Wilson Ave, Spencer, MA no DEP# issued

They want to demolish the existing house and rebuild on the same foundation. Ms. McLaughlin read the inspection report. The Commission looked at the pictures. DEP has not issued a file number yet.

At the request of the applicant, the hearing has been continued to June 14, 2023.

c. 6:24 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Anthony Moschini
Property: 7 Cedar Road, Spencer, MA

Anthony Moschini said that he bought the property last summer. He wants to put in floating docks. There will be no excavation and no land disturbance. Ms. McLaughlin said the Commission is concerned that the area appears is soggy, which may indicate wetlands. Mr. Moschini said that the property has been there for a hundred years and was never delineated as a wetland. There are no wetlands species that he has observed. Ms. Vivier did a site walk today and said that it is spongy like other areas they have visited. It appeared to be an isolated wet pocket. She said the owner has done a lot of rehabilitation to the land. Ms. Vivier wanted to know if gravel would be a good idea to put under the platform. Mr. Bellemer thought that it might be better to let it filter through without gravel. They discussed where the docks were going. The Commission agreed to the plans.

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 (Emerson/Bellemer) 5/0 passed.

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

d. 6:36 p.m. Continued the Public Hearing for the Abbreviated Notice of Intent for David Schnare

Property: 68 Browning Pond Road, Spencer, MA DEP#293-1050

The applicant was back to provide a specific landscape plan. The Commission discussed the plantings. Ms. Vivier went over the special conditions. Mr. Bellemer recused himself. The Commission agreed to the landscape plans.

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

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

A motion to issue the Order of Conditions for 68 Browning Pond with conditions noted (Emerson/Thibault) 4/0 passed.

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

e. 6:45p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour Property: 10 Meadow Road, Spencer, MA DEP#293-1007

Ms. Vivier said that we received feedback from the reviewer. Glenn Krevosky has been reviewing the comments. The applicant would like the hearing continued to work on addressing the comments.

At the request of the applicant, the hearing has been continued to June 28, 2023

f. 6:48p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour Property: U24-17 Meadow Road, Spencer, MA DEP#293-1052

Glenn Krevosky is reviewing the comments for this property as well.

At the request of the applicant, the hearing has been continued to June 28, 2023

3. Other Business: None

4. Agent's Update:

- a. **33 Browning Pond Road** – Ms. Vivier sent a NOV (Notice of Violation). The building inspector went out on Monday to see the work that was done without a permit (Ms. Vivier was out that day). The owners did some grading with fill to expand the yard.
- b. **Westland Drive**- The court date was today. Ms. Vivier said that last year when they went to court, the grandson said that he was not responsible for the land. He said his mom was responsible for the property. Presently, he said she was not well, so he showed up today with an Attorney that they hired. Ms. Vivier explained to the court that this has been going on for three years and no one reached out with a call or an email. The court wanted Ms. Vivier to work out a solution with the Attorney. The court date was continued for a month. Ms. Vivier spoke with the Attorney today, and he told the owner to put a chain across the property, a no trespassing sign, a no dumping sign and a for sale sign.
- c. **113 Ash Street**- Enforcement Order. This was for the trailer that was on the property. Ecotec went out and the land looks restored. Scott Morrison would like to close out the EO.

5. General Board Discussion:

- a. **July 26, 2023** – Ms. Vivier asked the Commission if they would like to cancel the Conservation meeting. Ms. Vivier will be out and the clerk will be on vacation. The Commission agreed to cancel the meeting.
- b. **New member** – Dennis Shiver wants to join the Conservation Commission. Mr. Shiver has a degree in Biology. The Commission would be happy to welcome a new member.
- c. **Hastings Road**-Mr. Bellemer said mud is going down into the gully and over the road and into the brook. He asked if we could get someone from the state to help with the stormwater problems. He thinks it is a DEP issue. Ms. Vivier is going to read the comments from DEP regarding this address. She has two contacts from DEP that she will call. The building permit will not be signed off until this is rectified.

6. New Applications:

- a. **33 Oakland Drive – RDA – Landscaping**
- b. **109 Clark Road – RDA – Tree removal**

7. Minutes: 5/10/23

A motion to approve the minutes as amended (Emerson/Bellemer) 5/0 passed.

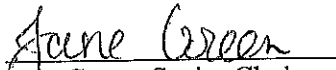
8. Continuances:

- a. **R27-1 Ash Street – NOI – 6/14/23**
- b. **Charlton & Bacon Hill Road – NOI – 6/14/23**

9. Adjournment:

*A motion to adjourn the meeting at 7:21 p.m. (Bellemer/Emerson) 5/0 passed.
All in favor: Thibault-yes, Bellemer-yes, Emerson-yes, Snow-yes, McLaughlin-yes*

Respectfully submitted by:


Jane Green, Senior Clerk

Development & Inspectional Services

DOCUMENTS REVIEWED AT 5/24/23 CONSERVATION COMMISSION MEETING

AGENDA 5/24/23

MINUTES 5/10/23

43 POINT EASTALEE – CONTINUANCE

31 WILSON AVE – CONTINUANCE

7 CEDAR ROAD – DOA

68 BROWNING POND ROAD – ANOI

10 MEADOW ROAD – CONTINUANCE

U24-17 MEADOW ROAD - CONTINUANCE

113 ASH STREET- EO

