

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, June 22, 2022 at 6:15 PM
Town Hall, McCourt Social Hall

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IN-PERSON AND REMOTE MEETING

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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 & Warren Snow

Commissioners Absent: Robert Perry

Staff present: Lauren Trifone

Staff absent: Jane Green

2.Public Hearings/Meetings:

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

Property: Property 23 Lake Ave, Spencer, MA

Ms. Whitehair wants to put in a new septic system. The Commission looked at the plans. They will be removing five trees that are in the way of the septic. The new system will go where the old one was. There will be a boom. The Commission would like two replacement plantings.

A motion to close the public meeting (Snow/Emerson) 4/0 passed.
All in favor: Emerson – yes, Bellemer-yes, Snow-yes, McLaughlin – yes
A motion for a negative #3 determination (Emerson/Snow) 4/0 passed.
All in favor: Emerson – yes, Bellemer-yes, Snow-yes, McLaughlin – yes

b.6:30 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Bruce Desrosier

Property: 107 North Spencer Road, Spencer, MA

Mr. Desrosier wants to replace the septic system and take down some trees. He wants to address the run-off water by putting in drainage pipes. Ms. Trifone discussed the plans with the Commission. William Cundiff, U&F Superintendent, wanted to look at the plans before the Commission made a decision. Mr. Cundiff approved the plan.

A motion to close the public meeting (Emerson/Snow) 4/0 passed.
All in favor: Emerson – yes, Bellemer-yes, Snow-yes, McLaughlin – yes
A motion for a negative #3 (Bellemer/Snow) 4/0 passed.
All in favor: Emerson – yes, Bellemer-yes, Snow-yes, McLaughlin – yes

c.6:40 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Roger R. Picard

Property: 37 Jolicoeur Avenue, Spencer, MA

Randy White, from White's Tree Care, said there is a tree that needs to be cut down. He will cut it to about 12-ft. He is going to use a Spider Lift, because the tree is unsafe to climb. The Commission told him that Booms will be required if hydraulic equipment is 40-ft from the water.

A motion to close the public meeting (Bellemer/Emerson) 4/0 passed.
All in favor: Emerson – yes, Bellemer-yes, Snow-yes, McLaughlin – yes
A motion for a negative #3 determination (Bellemer/Snow) 4/0 passed.
All in favor: Emerson – yes, Bellemer-yes, Snow-yes, McLaughlin – yes

d.6:45 p.m. Continued the Public Hearing for the Notice of Intent for Colin Derhammer

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

Ms. Trifone had a meeting with the applicants' engineer. They looked at the previous peer review and responses. Ms. Trifone said that from looking at it, it doesn't look like they can pick up where they left off. Ms. Trifone recommended BSC look at a comparison of the two plans. DEP has given more comments as well.

A resident, Frank White, wanted to know if they are going to be doing blasting. Ms. Trifone will check with the applicant and get back to Mr. White. A resident, Jack Dagner wanted to know if the applicant contacted ODS (Office of Dam Safety). If work is being

done by the Dam, the applicant needs to contact ODIS. A resident, Jim Pervier, said that there are a lot of natural springs on that property. If there is disruption from blasting he foresees issues. A resident, Gary Woodbury, looked at the plans and said there are two lots on it and one of them is non buildable. They should not be able to separate the property. Ms. Trifone said that this will be a Planning Board discussion. A resident, Scott Cycz, said that he is pro solar, but he said there is so much water behind his property. He will be watching everything that goes on. In order to get where they want to go, they have to go through a stream which comes from the Dam. Mr. White talked about the property and how years ago Ginny Scarlet (Conservation agent at the time) said there could be no blasting. William Cundiff, Superintendent of U&F, said that when he reviewed the plan there was some Stormwater flowing onto Ash St at that time. He wants to make sure no untreated discharge goes into our storm system. The volume of flow should be below the current rate.

One of the residents wanted to know if the developer is going to be responsible for rebuilding that road. Ms. Trifone mentioned that when the Order of Conditions are done, the applicant has to follow the plans on those conditions. Mr. Bellemer asked if one of the conditions can be a seismic analysis of the land. Ms. Trifone will look into that to see if that can be a condition. There was a question as to if there can be a bond for the road. The Commission would request a stormwater bond. But surety for the road would be determined by planning board. Another resident is concerned with his property and what is going to happen to it. Jan Parke, from Common Ground Land Trust, discussed Sibley farm and how it was purchased in pieces. The state wanted to buy the piece of land that you're talking about. Mr. Westerman did not want to sell it. DCR and Fish & Wildlife did put up money for part of it. A resident, Robert Phaneuf, wanted to know if there was an endangered species survey done on that property. Part of the application is to submit to Natural Heritage.

At the request of the applicant, the hearing has been continued to July 27, 2022.

e.7:22 p.m. Opened the Public Hearing for the Notice of Intent for Kennen Irrevocable Trust c/o Mike Kennen

Property: 0 and 6 East Avenue, Spencer, MA no DEP # issued yet

Ms. Trifone said that we received the DEP number. Kate O'Donnell, from Ecotec, discussed the site. The project is to replace the failing septic system. Ms. Emerson wanted to know about the DEP comments. The applicant addressed DEP comments. The culvert will be cased in concrete. The existing septic will be emptied and abandoned. The Commission would like replacement plantings. Mr. Kennen asked if he could plant some trees along the property line. The Commission agreed to that. Ms. Trifone went over the special conditions.

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

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

A motion to approve the Order of Conditions with special conditions (Snow/Emerson) 4/0 passed.

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

**f.7:39 p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour
Property: 10 Meadow Road, Spencer, MA DEP#293-1007**

Ms. Trifone said that they would like to continue because they are waiting for the surveyors to pick up some of the flags. There is evidence that someone is trying to access the site. Glenn Krevosky put a log down to block the entrance. Gary Woodbury said that there are cameras that could be used to find out who is doing it. Ms. Trifone would like any ideas on how to keep this area maintained.

At the request of the applicant, the hearing has been continued to July 27, 2022.

**g.7:44 p.m. Continued the Public Hearing for the Notice of Intent for Steven Turner
Property: Meadow Road, Spencer, MA SW PERMIT DEP#293-1036**

Carl Hultgren, from Quinn Engineering, said that he was waiting for Peer Review which just came in. They want to wait for the Planning Board Peer Review comments.

At the request of the applicant, the hearing has been continued to July 27, 2022.

3. Other Business:

a. 68 & 70 Donnelly Road – Request for CofC – VOTE to release the SW Bond:

Ms. McLaughlin read the inspection report. The second home was not built. The deck was not built either. The applicant would like to complete the deck in the future. Ms. Trifone recommends a partial CofC. Jim Hansen said that he would like the Order of Conditions to close out and will fill out an RDA for the deck this summer. Ms. McLaughlin wanted to know what equipment would be used for the deck. No heavy equipment will be used. They plan on using old telephone poles as the base that are from the property.

A motion to issue the Certificate of Compliance (Snow/Emerson) 4/0 passed.

A VOTE to release the bond (Snow/Bellemer) 4/0 passed.

b. 64 Chickering Road – Request for CofC:

Ms. Trifone said this was for an addition for a home. Everything was completed.

A motion to issue the Certificate of Compliance for 64 Chickering (Snow/Emerson) 4/0 passed.

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

c. 63 Wilson Avenue – Request for CofC:

Ms. Trifone has been trying to contact the owner. She has a few questions to ask them about the work done. She wants to hold off on issuing the CoC until she communicates with them.

d. Paxton Road over Shaw Brook – Request for CofC:

William Cundiff, Superintendent of U&F, said that the project consisted of removal of a structure from the northerly part of Paxton Rd and made improvements to the southerly portion. Kevin Dandre P.E., from TEC, Inc. said that the site is stabilized and the road is built to plan. Mr. Dandre verified that there is very little sediment in the catch basins. There is one guardrail that needs to be replaced because it was kinked. There was one change in the plan, which was to add riprap where water overflows on the road down the hill on Paxton road.

A motion to issue the CofC (Emerson/Bellemer) 4/0 passed

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

e. 113 Ash Street – Enforcement Order:

Kate O'Donnell, from Ecotec, discussed the Restoration plan. There was a discussion on the erosion controls. Ms. Trifone said the area of disturbance was in the back of the property. The owner wants to know if the Commission can communicate to National Grid that there is no longer an EO. Ms. Trifone will write a letter to let them know the EO was lifted.

A motion to release the Enforcement Order (Snow/Bellemer) 4/0 passed.

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

f. Cranberry Meadow Lake – Request to Extension OofC:

Ms. Trifone said that this extension is for vegetative treatment for Cranberry Meadow Lake. It is the same treatment as always.

A motion to issue the OofC Extension for 3 years (Snow/Bellemer) 4/0 passed.

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

g. Habitat Management Grant:

Ms. Trifone applied for this grant from the state. Mr. Snow wanted to know what the grant could be used for. Ms. Trifone said that it could be used for improving existing wildlife corridors. Ms. Parke wanted to know who can apply. Ms. Trifone said besides municipalities, residents and private organizations can apply. Ms. Parke discussed some of the properties that are being gifted to CGLT (Common Ground Land Trust).

4. Agent's Update

a. Vegetative Treatment: Ms. Trifone let the Commission know the vegetative treatment schedule: Cranberry Meadow on Monday, Fish & Game on Wednesday & Thompson Pond on Thursday.

b. Hastings Road: They applied for their driveway permit. Last year we requested that when they do the driveway, we want to inspect the erosion controls.

c. 24 Briarcliff Lane: They are looking for a CofC.

d. 77 Wire Village: This property is for sale. There are a lot of wetlands in the front and riverfront in the back.

e. Policy for Continuances: There was a discussion on this topic. They will discuss this more in the future.

f. Replication areas: Ms. Trifone said that she has looked at various towns that do not allow replication areas. There should be more criteria listed for replication areas. It is something to think about.

5. New Applications

a. 37 Point Eastalee – RDA – Tree Removal

b. 107 Smithville Road – RDA – Tree removal

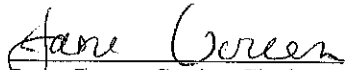
6. Minutes:

*A motion to approve the 6/8/22 minutes (Snow/Emerson) 4/0 passed.
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

7. Adjournment:

A motion to adjourn the meeting at 9:02 p.m. (Snow/Emerson) 4/0 passed.

Respectfully submitted by:


Jane Green, Senior Clerk

Development & Inspectional Services

Documents Reviewed at the June 22, 2022 Conservation Commission Meeting

Agenda 6/22/22

Minutes 6/8/22

RDA – 23 Lake Avenue

RDA – 107 North Spencer Road

RDA – 37 Jolicoeur Avenue

Continuance form - R27-1 Ash Street

Order of Conditions – 0-6 East Avenue

Continuance form - 10 Meadow Road

Continuance form - Meadow Road

Certificate of Compliance – 68-70 Donnelly Road

Certificate of Compliance – Paxton Road over Shaw Brook

Order of Conditions Extension – Cranberry Meadow Lake

File – 63 Wilson Avenue

File - 64 Chickering Road

File – 113 Ash Street

