



Conservation Commission – Town of Spencer

Minutes

Conservation Commission Meeting
Wednesday July 12, 2023 at 6:15 p.m.
Town Hall, McCourt Social Hall

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

<http://meet.goto.com/spencerODIS/conservation>

IN-PERSON AND REMOTE MEETING

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

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

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

Commissioners Present: Charlie Bellemer, Margaret Emerson, Dennis Shiver & Warren Snow

Commissioners Absent: Mary McLaughlin & Shannon Thibault

Staff present: Jane Green

Staff absent: Lauren Vivier

2. There were no documents to sign.

3. **6:15 p.m. Discussion: Farmland of Local Importance (Presentation by Albert Averill). The Commission may vote to make a recommendation to the Board of Selectmen.**

Mr. Averill retired from his job with the USDA. He worked for the Natural Resources Conservation Services (NRCS) as a Soil Scientist for the state. He discussed the farmland preservation program that is federally funded to protect farmland in our country. He discussed the concern of keeping soil on the ground from washing away and how to protect water quality as well. There is a program that farmers can apply for if they want to

preserve their land called Agricultural Land Easement (ALE). Their land will stay that way in perpetuity.

Mr. Averill has worked for 20 years creating soil survey maps in many towns. The APR (Agricultural Preservation Restriction) is all about interpreting land use and what land is suited for agriculture. He went over color coding on a map that was rated according to their soil. Green is prime farmland. Blue is of statewide importance. Red is not prime farmland. There is another category which is farmland of local importance. The requirement is that it has to be at least fifty percent of important farmland soils. If the town acknowledges and recognizes this important farmland, it can increase the eligibility potential. This can preserve open space and the rural character of the town. There is a caveat that no wetlands can be considered. If Spencer is interested, Mr. Averill may ask for some local help. A town official needs to sign off on this work. It does not cost the town anything and there is no tax code. Mr. Snow asked for a copy of the presentation. Mr. Averill asked if this is something that the Commission is interested in. The Commission said that they were interested. Mr. Bridges, the town administrator, said that he would like some time to review. Mr. Snow suggested presenting this to the local Land Trusts (Common Ground Land Trust and Greater Worcester Land Trust). Mr. Averill said that he would be willing to present it to the local land trusts.

4. Public Hearings/Meetings:

a. 6:49 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Brian Kennen **Property: 7 Debbie Drive**

Mr. Kennen did not know that he needed a permit for a shed under two hundred square feet. The Commission told him that a permit is needed for anything within Conservations jurisdiction. He built a play area for his children as well. Ms. Emerson read the inspection report.

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

All in favor: Snow-yes, Bellemer-yes, Shiver-yes, Bellemer-yes

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

b. 6:55 p.m. Continued the Public Meeting for the Request for Determination of Applicability **for Cody Berman** **Property: 43 Point Eastalee, Spencer, MA**

At the request of the Commission the hearing has been continued to August 9, 2023

c. 6:57 p.m. Continued the Public Meeting for the Request for Determination of Applicability **for Sam & Maryna Alkhamees** **Property: 33 Browning Pond Road, Spencer, MA**

At the request of the Commission the hearing has been continued to August 9, 2023

d. 6:47 p.m. Continued the Public Meeting for the Request for Determination of Applicability for Thomas Pelletier

Property: 52 Browning Pond Circle, Spencer, MA

Ms. McLaughlin introduced this discussion first because it did not meet quorum. Mr. Bellemer recused himself.

At the request of the applicant, the hearing has been continued to August 9, 2023.

5. Other Business:

- a. **28 Westland Drive – Request for CofC** – Ms. Emerson read the inspection report.

*A motion to issue the Certificate of Compliance (Bellemer/Snow) 4/0 passed.
All in favor: Snow-yes, Bellemer-yes, Shiver-yes, Bellemer-yes*

- b. **37 & 39 Oakland Drive – Request for CofC** -Ms. Emerson read the inspection report. The beach erosion by the pipe needs to be fixed before they issue the CofC.

- c. **6 East Avenue – Request for CofC** – Ms. Emerson read the inspection report. The area around the septic is unstable. There are woodchips washing through the silt fence on both sides into the wetlands. Debris is going into the wetlands. The Commission would like the applicant to come in.

- d. **Chickering Road – Request for CofC on Enforcement Orders** – There were no details as to what the Enforcement Orders were about. The Commission would like Phil Stoddard to give us details on each EO.

6. Agent's Update: No update.

7. Violation & Complaints:

- a. **33 Browning Pond Road:** At the inspection, a commission member repeatedly told the applicant what to do. Mr. Bellemer said the erosion controls are sitting out in the rain. The applicant needs a more detailed plan.

- b. **4 Wildwood Lane;** The office received a complaint about trees being cut down, an unpleasant smell from wood chips and the stream filled with riprap. Mr. Bellemer sent an email about his site visit. He said it smelled like septic. The wattles were put in wrong. Black water was running across the road from the cleared lot. Ms. Emerson read a letter (dated 11/19/20) from the previous Conservation agent, George Russell. The Commission looked at the NOI and Order of Conditions to look for the tree removal on the plans. This was done during COVID. A lot of concerns were raised back then. The Commission would like a call made to DEP to get their expertise on the problems, and get the run-off tested.

A motion to issue a fine (Bellemer/Snow) 4/0 passed.

8. Other discussion items:

9. Minutes: 6/28/23

A motion to table the minutes to 8/9/23 (Bellemer/Snow) 4/0 passed.

10. New Applications for next meeting: 7/26/23 MEETING CANCELLED)

- a. **34 Shore Drive – RDA – 8/9/23**
b. **69 West Main Street – Amended OOC – 8/9/23**

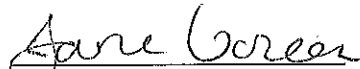
11. Continuances:

- a. **R27-1 Ash Street -NOI- 8/9/23**
Charlton & Bacon Hill Roads – NOI- 8/9/23
10 Meadow Road – NOI – 8/9/23
U24-17 Meadow Road – NOI – 8/9/23

12. Adjournment:

A motion to adjourn the meeting at 8:08 p.m. (Bellemer/Snow) 4/0 passed.

Respectfully submitted by:



Jane Green, Senior Clerk
Development & Inspectional Services

Documents Reviewed at 7/11/23 Conservation Commission Meeting

Agenda 7/12/23

Farmland of Local Importance from Albert Averill

7 Debbie Drive – DOA

52 Browning Pond Circle - Continuance

43 Point Eastalee – Continuance

33 Browning Pond Road – Continuance

28 Westland Drive – CofC

37 & 39 Oakland Drive – file folder

6 East Avenue – file folder

Chickering Road – Enforcement Order/CofC file folder

4 Woodland Lane – file folder

