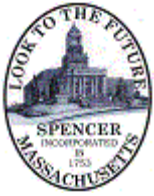


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, July 14, 2021 at 7:00 PM
Town Hall, McCourt Social Hall

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

IN-PERSON AND REMOTE MEETING

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

**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!**

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: Lauren Trifone & Jane Green

Staff absent:

Minutes Approved: June 23, 2021

Signed:

**7:07 p.m. 4.1 p.m. Continued the Public Hearing for the Notice of Intent for Bertin
Engineering**

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

The applicant's representative Steve Pikul joined the hearing remotely. Mr. Pikul said that they are waiting on the comments from BSC Group regarding the Subdivision application from the Planning Board.

At the request of the applicant, the hearing has been continued to August 11, 2021.

7:12 p.m. 4.2 Continued the Public Hearing for the Notice of Intent for Christine & Edwin Mullen

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

The applicant requested a Continuance.

At the request of the applicant, the hearing has been continued to July 28, 2021.

7:14 p.m. 4.3 Continued the Public Hearing for the Notice of Intent for Gordon Letour

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

The applicant did not join the hearing.

At the request of the Commission, the hearing has been continued to July 28, 2021.

7:17 p.m. 4.4 Continued the Public Meeting for the Request for Determination of Applicability for Angela DeFalco
64 Chickering Road, Spencer, MA

Fran DeFalco joined the meeting. There are 5 dying trees. They plan to use wattles near the waterfront. Ms. McLaughlin wanted to know if hydraulic equipment was going to be used. If it's within 40-ft of the water, then a boom is required. The Commission requires two conditions: a boom if hydraulics will be used and to plant a native tree or three replacement bushes.

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

A motion for a negative #3 determination with the specified Conditions (Emerson/Perry) 5/0 passed.

7:25 p.m. 4.5 Opened the Public Meeting for the Request for Determination of Applicability for Corey Haynes

Property: 25 Lakeview Drive, Spencer, MA

The applicant's representative, Robbie Scudder joined the meeting. He is the tree climber. No hydraulics will be used. The top of the tree is dead and they would like to remove it. They will be rigging and climbing it.

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

A motion for a negative #3 determination (Snow/Bellemer) 5/0 passed.

7:27 p.m. 4.6 Opened the Public Meeting for the Request for Determination of Applicability for Steve Lovejoy

Property: 31 Old Farm Road, Spencer, MA

The applicant's representative, Scott Morrison from Ecotec, joined the meeting. Mr. Morrison explained the proposed garage. The Commission had recommended a dry well to address the roof run-off. Mr. Morrison added the dry well to the plans.

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

A motion to for a negative #3 determination (Perry/Emerson) 5/0 passed.

7:32 p.m. 4.7 Opened the Public Meeting for the Request for Determination of Applicability for Alan Bianchini

Property: 101 Wilson Avenue, Spencer, MA

Alan Bianchini joined the meeting remotely. He said there is a tree in the buffer zone near the lake that is dying. They would like to take it down. Mr. Bianchini said there is mold on the roof. He wants to replace it. If he doesn't take it down, he is afraid the new roof will get mold on it. There was a discussion about mold. A few of the members had gone on a site inspection and wanted to know if the tree could be pruned. It did not look dead to them. The tree could be pruned over the roof. The Commission would like information from the tree expert stating the tree is dead, if in fact it is. Mr. Bianchini asked if he could trim the tree. The Commission said he could trim the dead branches.

At the request of the applicant, the meeting has been continued to July 28, 2021.

7:40 p.m. 4.8 Opened the Public Meeting for the Request for Determination of Applicability for Stephen & Christine Simakauskas

Property: 44 Lambs Grove, Spencer, MA

Stephen joined the meeting. He said the deck is rotted. He would like to rebuild the deck. The Commission looked at the plans. They said it looked good.

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

A motion for a negative #3 determination (Snow/Bellemer) 5/0 passed.

7:44 p.m. 4.9 Opened the Public Hearing for the Notice of Intent for Richard Martunas

Property: 41 Lakeshore Drive, Spencer, MA DEP#293-1017

The applicant's representative, Robert Murphy, joined the hearing. The proposed plan is to raise the existing house with the same footprint. They want to take out the old foundation and put in a new concrete foundation. The applicant would like to take down some trees as well. The Commission raised a question while on the site walk. They would like revised plans showing the larger trees that need to come down. There are some trees growing in the existing septic system. They are going to take those out and replace the septic tank. They have approval from the Board of Health. Mr. Bellemer wanted to know if the leach field was new. Mr. Murphy said it was 20 years old. The system passed a Title 5 but the tank is no good. The Commission wanted to know how far from the actual work is it to the water. Mr. Murphy said about 24-ft. There is no hydraulic equipment. The Commission wanted to know how many trees will be taken down. Mr. Murphy said there are around a dozen trees. There was a discussion about the tree down by the water. There is going to be a climber. The stump will remain. Mr. Murphy said that he will plant some trees to replace some that will be taken down. The Commission would like everything that is going to be done, to show on the revised plans.

At the request of the applicant, the hearing has been continued to July 28, 2021.

8:05 p.m. 4.10 Opened the Public Hearing for the Notice of Intent for Doreen Surette

Property: 37 Point Eastalee, Spencer, MA DEP#293-1016

The applicant's representative, Jason Dubois of DC Engineering, joined the hearing. The plan is to replace the septic system. The Commission wanted to know where the erosion controls were going to be. There will be a siltation fence and one of the Conditions the Commission would like are 18-inch wattles on the lake side. Mr. Bellemer wanted to know how long the ground will be open. Mr. Dubois said that if the weather holds up it should be done in a week. Another condition will be to use a boom. The plans should show erosion controls and oil absorbent pads/ hydraulic spill kit will be on site.

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

A motion to approve the Order of Conditions with the Special Conditions (Emerson/Perry) 5/0 passed.

5.0 Other Business:

5.1 34 Lamoureux Lane-Robert Powers wanted to discuss taking down some trees. Ms. McLaughlin read the inspection report. The Commission discussed pruning the tree. A climber could prune the tree. Ms. Emerson said that cutting some of the dead branches can help make everything safer. The Commission recommended an arborist. Ms. Emerson said Arborist don't go looking for things to cut, they do it to make the tree as healthy as they can. Mr. Powers said that he needs a new septic. Currently it is a cesspool. There was a discussion about who to hire for a septic system.

5.2 17 Shore Drive- Jose Diaz is waiting for a sign-off from Conservation to move forward with his building permit. The Commission had asked Mr. Diaz to put erosion controls down. There has been so much rain that the concern is that if the controls don't work all the sediment could end up in Thompson Pond. Ms. Trifone said that he did clean out the drain on the road. Of the two barriers that are there, the back one looks like it could fall apart. The one near the road is okay. There was a discussion about the project. Mr. Bellemer wanted to know what he was going to do with the material. Mr. Diaz said he was going to take it off site. Mr. Perry asked if this work is out of the buffer zone. It is outside of the buffer zone. The Commission wanted Mr. Diaz to know that if the material gets into the pond, then it is going to be huge problem. The Commission said to work hard to keep the material away from the buffer. The Commission agreed to have Ms. Trifone sign the building permit.

5.3 Westland Drive- The Commission discussed the site visit. This has been going on for almost a year. We need to send a certified letter stating there will be a fine if they do not come up with a restoration plan by July 28, 2021.

5.4 28 South Spencer Road- Glenn Krevosky wanted to talk about Cranberry Meadow Brook. Mr. Bellemer told Mr. Krevosky the reason why the Commission wanted a plan. They had taken a site walk and found that the owners had cleared an area that was down to bare dirt on the side of the driveway. Mr. Bellemer said he took a ride the other day and noticed they put down erosion controls, but they weren't done right. Mr. Krevosky explained the Restoration plan. The plan is to replace saplings, re-vegetate near the river, remove invasives, remove the arborvitae and Japanese yew, replace loam and seed where the gravel is exposed and remove the brush piles. This will be ready for the July 28, 2021, Conservation Commission meeting.

5.5 Hastings Road- The Commission questioned who owned the property. There has been a lot of erosion. There was a discussion about the site visit. The office needs to find out who owns the property. We need to let them know the erosion controls have failed and it needs to be fixed. Maybe there should be an Engineer to figure out what to do to stop the erosion.

5.6 Lakeshore Drive- Lynne Hartley has a tree hanging over her deck from her neighbors' property. Her insurance company requires her to remove the branches. The Commission suggested pruning the tree. Ms. Hartley should get permission from the neighbor if she wants the tree to be taken down. If they are going to use a crane, they need to file an RDA. The owner of the tree needs to file the permit. Mr. Perry said that the Massachusetts Common Law states that you can trim branches that come from your neighbor's tree, but you have to do it on your own property.

5.7 57 Oakland Drive- Ms. Emerson went for a site visit. The site looked good. The owner would like permission to remove erosion controls. The Commission agreed to allow the controls to be removed.

A motion to issue the Certificate of Compliance once the applicant has requested a CofC and pays the fee (Emerson/Bellemer) 5/0 passed.

Donnelly Cross Road Bridge- The Commission said they could remove the erosion controls.

A motion to remove the erosion controls (Emerson/Perry) 5/0 passed.

Bixby Trail- There was a discussion on the ATV'S getting into the trails. The Commission discussed putting up barriers. Mr. Bellemer said that kids have been getting into the trails for years. He suggested putting an outdoor camera there and find out who's doing it and pass it on to the Police.

4 Lamoureux Lane- A tree came down. The owner put a 2x4 down on the bank along with white stone with a sitting area about 5-ft from the lake. A letter needs to be sent to the owner telling him to stabilize the bank.

10 Blueberry Lane- The owners are requesting a Certificate of Compliance. The Commission will do a site visit.

Agent's Report: Ms. Trifone told the Commission that she has been following a paper trail. She has gone on site visits to see if the issues were addressed or not. Ms. Trifone discussed the erosion at 234 North Spencer Road. She took photos. The previous agent sent a letter in March asking to address the erosion problems. We have not heard back from the owner. They wanted to know if there was a CofC for that property. There was a discussion on all the 4 lots. Ms. Trifone mentioned that 144 Mechanic Street has some erosion. Utilities and Facilities need to address some of the issues.

Agent's report is appended to and made part of the minutes.

New Applications: No new Applications

A motion to adjourn the meeting at 9:43 p.m. (Bellemer/Emerson) passed 5/0.

Respectfully submitted by:

Jane Green, Senior Clerk
Development & Inspectional Services

Documents Reviewed at the July 14, 2021 Conservation Commission Meeting

Agenda 7/14/21

Minutes 6/23/21

Continuance form - Charlton & Bacon Hill Roads

Continuance form - Lot 1 North Spencer Road

Continuance form - 10 Meadow Road

RDA - 64 Chickering Road

RDA - 25 Lakeview Drive

RDA - 31 Old Farm Road

Continuance form - 101 Wilson Avenue

RDA - 44 Lambs Grove

Continuance form - 41 Lakeshore Drive

Order of Conditions - 37 Point Eastalee

Inspection report - 34 Lamoureux Lane

Westland Drive – Restoration Plan

Certificate of Compliance – 57 Oakland Drive

Photos – 55 Lakeshore Drive

234 North Spencer Road – erosion photos