

# Conservation Commission – Town of Spencer

## Minutes

**DRAFT**



Conservation Commission Meeting  
Wednesday, August 10, 2022 at 6:15 PM  
Town Hall, McCourt Social Hall  
IN-PERSON AND REMOTE MEETING

Please join my meeting from your computer, tablet or smartphone.  
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EXCEPT WHEN SPEAKING!**

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**1.** The Meeting was opened at

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin & Warren Snow

Staff present: Lauren Trifone, Jane Green

**2.** There are no items to be signed.

**3. Public Hearing/Meetings:**

**a. 6:15 p.m. Opened the Public Meeting for the Request for Determination of  
Applicability for Michael Archambeault**

**Property: 75 Jolicoeur Avenue, Spencer, MA**

Mr. Archambeault proposes to pave the existing stone driveway. The Commission looked at the pictures. He addressed stormwater issues that have been going on for years down the road. He is willing to fix run-off to help his neighbors out if the Commission agrees. Ms. McLaughlin read the Inspection report. The Commission agreed to the plans.

*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 determination (Snow/Bellemer) 4/0 passed.  
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

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

**Property: 130 East Charlton Road, Spencer, MA**

Mr. Wheeler proposes to remove an existing deck and replace it with a new deck. He plans on hand digging with Sonotubes. Ms. McLaughlin read the inspection report. The Commission agreed to the plans.

*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 determination (Emerson/Snow) 4/0 passed.  
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

**c. 6:32 p.m. Opened the Public Hearing for the Notice of Intent for Warren M. Monette**

**Property: 1 Lake Avenue, Spencer, MA DEP#293-1041**

Mr. Monette said that the retaining wall has fallen into the water. The plan is to rebuild the wall with fieldstone. The stairs are going to be moved over because there is an oak tree nearby. He doesn't want the roots to interfere with the stairs. There will be a boom in the water. They plan on moving the dock over as well. The plan is to re-do the pavers that are under the deck. Ms. McLaughlin read the inspection report. Ms. Trifone does not recommend wattles. She would like a condition that if the tree dies, it needs to get replaced.

*A motion to close the public hearing (Emerson/Bellemer) 4/0 passed.  
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.  
A motion to accept the NOI with the conditions specified (Snow/Bellemer) 4/0 passed.  
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

**d. 6:48 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, Inc. gave a brief overview of the project. BSC reviewed the plans and the stormwater report. The comments came back and were addressed.

The Division of Habitat & Wildlife said that the project is not going to affect the wildlife. Ms. Trifone discussed the stormwater funds that are in a surety bond and how they were reduced to \$18,000 in 2017 for the Turtle wall and new building (that is still not done). Mr. Bellemer wanted to know why the bond amount went down. Ms. Emerson said because some of the work was done. There was a discussion on what the amount should be for the bond. Ms. Trifone recommended adding surety back up to \$36,000 especially

with what needs to be done and the cost of inflation. Ms. Trifone discussed the special conditions for the project.

Frank White, Sewer Commissioner, questioned whether the main sewer line runs through Mr. Turners property. He brought up the possibility of an easement. This needs to be researched further to see where that line is. Mr. White would like Mr. Turner and Mr. Hultgren to attend one of the Sewer Commissioner Meetings.

*A motion to close the public hearing (Snow/Bellemer) 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.*

**e. 7:07 p.m. Opened the Public Hearing for the Notice of Intent for Colin Derhammer**

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

Jeff Bridges, Town Administrator, recommended to the applicant that a representative should be at the meeting in person. It is very important for members of the community to be able to express their thoughts. The Community should be able to hear the applicant explain the project, to see the plans and ask questions.

T.J. Recupero, Attorney, for Bertin Engineering said that this project has been before the board already. BSC had peer reviewed this a year ago. They agreed to the delineation. This project is only for a cul-de-sac and subdivision. Ms. Trifone would like the stormwater portion explained. Mr. Recupero said there are two drainage structures. The Commission looked at the plans. Ms. McLaughlin asked if Charlton Rd will be able to take the drainage. Mr. Recupero was not sure if they have reviewed that portion. Ms. McLaughlin wanted to know if no greater amount of stormwater would leave the property. Mr. Recupero said in order to meet the current standards, stormwater should not leave the property. Ms. Trifone wanted to know what was the current flow onto Charlton Road. Mr. Recupero did not have the drainage calculations in front of him. Mr. Snow would like to see the final peer review for comments. Ms. Trifone said that the submission was dropped off on the last day of the deadline to submit. Mr. Recupero insisted that the plans were the same plans as the previous ones that were denied. Ms. Trifone told Mr. Recupero that there is a new DEP# and that there is no solar plan anymore.

Dave Nussen wanted to know where the driveway was and said that the entrance was too small to get in. This was a Planning Board item. Janet & Glen Stevens, 9 William Casey Road, wanted to know why they didn't get notification because the project will abut their land. They looked at the plans and Ms. McLaughlin showed them where the Subdivision is going to be located. Gary Woodbury, 219 Charlton Road, sent a video of property down the road that is getting flooded. He said that there are wetlands all over the land. When they did test pouring, during the previous NOI, they disturbed a lot of land. He has a video of that as well. The Commission would like to have a site visit with a peer reviewer present to verify everything. Elio Qorri, from Bertin Engineering,

wanted to know when they would have a meeting with BSC Group and Ms. Trifone. Ms. Trifone received an updated revised proposal from them that afternoon. She will send that to Mr. Qorri. Ms. Trifone said that there will be a new peer review, but they do not need to do the wetland flagging.

*At the request of the applicant, the hearing will be continued to September 28, 2022*

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

##### **a. Nottingham Circle – Request for CofC:**

Ms. McLaughlin read the inspection report. Ms. Trifone said that this is regarding a beach strip. Mr. Bellemer said that this is part of Thompson Pond Lake Association.

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

##### **b. Lot 5 (10) Sherwood Drive – Request for CofC:**

Ms. McLaughlin read the inspection report for the septic. Based on Board of Health plans, the wetlands are 50-feet from the water. The Commission agreed to the CofC.

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

##### **c. 5 Nottingham Circle – Request for CofC:**

Ms. McLaughlin read the inspection report about the shed. Ms. Trifone showed the photos of the shed to the Commission, and she has no concerns. The Commission agreed to the CofC.

*A motion to issue the Certificate of Compliance for 5 Nottingham Circle  
(Emerson/Bellemer) 4/0 passed.  
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

##### **d. 92 McCormick Road – Request for CofC:**

Ms. Trifone said that the CofC was for soil remediation. Mr. Bellemer said that they didn't do it the way they presented it. Ms. Trifone said that there are issues with water quality because of geese. Ms. McLaughlin read a letter from Rimmer Environmental

Consulting dated November 12, 2021 and one from CDW Consultants dated July 12, 2021. The Commission agree to approve the CofC.

*A motion to issue the Certificate of Compliance for 92 McCormick Road (Emerson/Bellemer) 4/0 passed.*

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

**e. 16 Shore Drive – Request for CofC:**

Ms. Trifone said that the CofC was for the septic. Ms. McLaughlin read the inspection report. Approval is recommended.

*A motion for the Certificate of Compliance (Bellemer/Snow) 4/0 passed.*

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

**f. 63 Wilson Avenue – Request for CofC:**

This CofC was for a septic and two tree removals. The Commission looked at the pictures. Ms. McLaughlin read the inspection report. Approval was recommended.

*A motion to issue the Certificate of Compliance for 63 Wilson Avenue (Emerson/Snow) 4/0 passed.*

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

**5. Agent's Update:**

• **Open/new violations:**

- a. 17 Shore Drive – There is possibility of stormwater run-off and the silt fence is failing. Ms. Trifone sent a Notice of Violation to fix the fence and clean out the drainage ditch. The building inspector sent a letter stating that the owner needs to replace the erosion controls.
- b. Westland Drive – Ms. Trifone found the person legally responsible for Westland. The neighborhood is using it for lawn clippings. She recommends the owner lay out a log in front of the area and put up a no dumping sign.

• **Other discussion items:**

- a. Sugden Reservoir – Water & Wetlands management would like to expand the cattail treatment. There was a discussion about the cattails that are taking over certain areas of the lake. The Commission would like to discuss this at the next meeting.

**\*DRAFT of Tree removal policy:** Ms. Trifone gave each Commission member a copy of the draft Tree removal policy. She would like them to review the policy in

the next few weeks. She looked at policies from multiple towns. She gave a brief overview of the policy.

**\* Amending OOC:** Ms. Trifone wanted to bring up Amended Order of Conditions and see whether the Commission thinks the policy should be more defined. There was a discussion about the intricacies when amending the Oof C. The Commission came to the conclusion that the present policy works fine.

**6. General Board Discussion:** Ms. Emerson thought that projects like the subdivision, should not be able to start work until everything is approved. Ms. McLaughlin said that we can't legally tell them that, even though it makes sense.

**7. Open for Comments from the Public:** No comments at this time.

**8. Minutes:** 7/27/22

*A motion to approve the 7/27/22 minutes as amended (Snow/Bellemer) 4/0 passed.  
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

**9. New Applications:**

- a. **81A & 81B – RDA**
- b. **13 R Jones Road – RDA**
- c. **39 Chickering Road – Amend OofC**

**10. Adjournment:**

*A motion to adjourn the meeting at 9:10 p.m. (Emerson/Bellemer/) passed 4/0.  
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

Respectfully submitted by:

  
Jane Green, Senior Clerk

Development & Inspectional Services

**Documents reviewed at 7/27/22 Conservation Commission Meeting**

AGENDA 8/10/22

MINUTES 7/27/22

RDA – 75 JOLICOEUR AVENUE

RDA – 135 EAST CHARLTON ROAD

OOC – 1 LAKE AVENUE

OOC – MEADOW ROAD

CONTINUANCE FORM – CHARLTON & BACON HILL ROADS

COC – NOTTINGHAM CIRCLE

COC - LOT 5 (10 SHERWOOD DRIVE)

COC – 5 NOTTINGHAM CIRCLE

COC – 92 MCCORMICK ROAD

COC – 16 SHORE DRIVE

COC – 63 WILSON AVE

RIMMER ENVIRONMENTAL CONSULTING LETTER – 92 MCCORMICK ROAD

WATER & WETLANDS – SUDGEN CATTAIL TREATMENT

DRAFT – TREE REMOVAL POLICY

