

Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, August 23, 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, Shannon Housh & Warren Snow

Commissioners Absent: Mary McLaughlin

Staff present: Jane Green

Staff absent: Lauren Vivier

2. Public Hearings/Meetings:

a. 6:16 p.m. Opened the Public Hearing for the Notice of Intent for Alex Pearson Property: 12 Wilson Avenue, Spencer, MA DEP#293-1058

Liz Dupre, Principal of Clearwater Environmental, said they are doing a septic replacement. Ms. Emerson read the inspection report. The Commission looked at the plans and agreed to approval.

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

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

*A motion to accept the plans as presented with conditions (Snow/Bellemer) 5/0 passed.
All in favor: Bellemer-yes, Housh-yes, Snow-yes, Shiver-yes, Emerson-yes*

**b. 6:18 p.m Opened the Public Hearing for the Notice of Intent for Martha Fowler
Property: 168 Ash Street, Spencer, MA DEP#293-1060**

Jason Dubois, P.E. from D.C. Engineering & Survey, discussed the septic replacement. Ms. Emerson wanted to know where the old septic was located. Mr. Dubois said that it is in the same area where it is to be replaced. She said there are lawn clippings in the wetlands that need to be removed. There are four trees to take down. Mr. Dubois said they will replace the trees with Arborvitaes. The Commission agreed to the plans.

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

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

A motion to accept the plans with standard conditions (Bellemer/Housh) 5/0 passed.

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

**c. 6:30 p.m. Opened the Public Hearing for the Notice of Intent for Scott LaPointe
Property: 61 Wilson Avenue, Spencer, MA DEP#293-1059**

Jason Dubois, P.E. from D.C. Engineering & Survey, discussed the shoreline retaining wall project. It will be done during the drawdown with erosion controls and the use of a hydraulic boom. The access to the location is on the left side of the home. Ms. Emerson read the inspection report. The Commission agreed to the plans.

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

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

A motion to accept the plans with conditions (Snow/Bellemer) 5/0 passed.

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

**d. 6:37 p.m. Opened the Public Hearing for the Notice of Intent for Cistercian
Abbey of North Spencer Lac Marie Dam**

Property: R53-2 North Spencer Road near Hastings, Spencer, MA DEP#293-1057

Jessica Tenzar, from Wilcox & Barton Inc., said that they propose to do some dam repairs which were recommended after the dam inspection report last year. They did a wetland delineation around the pond. The proposed plan is to lower the dam no more than one foot below the spillway. Once it is dry, they will repair any cracks. Ms. Tenzar filed with MESA (Massachusetts Endangered Species Act) for endangered species for a mussel within the area. Mr. Bellemer wanted to know how they are going to lower the water. Ms. Tenzar will look into it and get back to the Commission. Ms. Emerson read the inspection report. Ms. Housh wanted to know when this was going to begin. Ms. Tenzar said that it should happen by October 1, 2023. Ms. Emerson read the NHES (Natural Heritage Endangered Species) conditions.

*A motion to close the public hearing (Bellemer/Snow) 5/0 passed.
All in favor: Housh-yes, Bellemer-yes Snow-yes, Shiver-yes, Emerson-yes
A motion to approve the OofC with conditions noted (Bellemer/Snow) 5/0 passed.
All in favor: Housh-yes, Bellemer-yes Snow-yes, Shiver-yes, Emerson-yes*

e. 6:47 p.m. Continued the Public Hearing for the Notice of Intent for Gordon Letour
Property: 10 Meadow Road, Spencer, MA DEP#293-1007

At the request of the applicant the hearing is continued to September 27, 2023.

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

At the request of the applicant the hearing is continued to September 27, 2023.

3. Other Business:

a. 6 East Avenue – Request for CofC:

Ms. Emerson said that they did a site visit in July. She read the inspection report. Michael and Thomas Kennen, the owners, said that they wanted some clarification. The Commission said that there were woodchips, a trailer and wheelbarrow in the wetlands that needed to be taken out. They need to plant grass around the septic. There was a board on top of a downed tree that needed to come out as well. The Kennens planted grass seed and have mowed a few times. The Commission told the applicant to call the office when the clean-up is done. The Kennens said they have a buyer and want to get this ready for purchase. The Commission looked at the plans. Mr. Kennen wanted to know if he could remove the silt fence and wattles where the grass is established near the house and garage. The Commission agreed to it. The Commission discussed issuing the CofC for Lots 6 & 7 not 18A.

*A motion to issue the CofC for Lots 6&7 (Snow/Bellemer) 5/0 passed.
All in favor: Housh-yes, Bellemer-yes Snow-yes, Shiver-yes, Emerson-yes*

b. 4 Wildwood Lane – Enforcement Order – Plan:

Peter Rourke said that he hired Julian Vorturba, from New England Environmental Design, to work on the plans. Mr. Vorturba said that there are some things that need to be fixed ASAP. The most important part of the project is to get the water from the upper end to go into a rock inlet across the

road, and go into a swale along the property line down to the pond. A catch basin needs to be installed. He noticed that there was a pipe catching the water that went down to the pond. He recommended the pipe stay in that location. He noticed an isolated wetland. He will reflag that area and remove the woodchips with a rake. He will barricade it with a silt fence. Mr. Vortruba said that they are going to do it the way it was supposed to be done according to the plans. Ms. Emerson would like some trees planted. There was a discussion about the pipe and that it should be removed from the water. Mr. Vortruba said that it should be left there until they put a new pipe in, and until they build the swale. Mr. Vortruba said that they will have a schedule of what they plan to do to get everything rectified. The Commission signed the Enforcement Order. Gordon Clogston said that when it rains it floods Wildwood. Mr. Vortruba said that is part of a different issue. If they use a different size riprap it may help. Mr. Clogston said that some of the neighbors would be willing to contribute to fixing the road.

A motion to issue the Enforcement Order as discussed (Snow/Bellemer) 5/0 passed.

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

c. Chickering Road – Request to lift Enforcement Order:

Ms. Emerson said that they did a site visit. Everything was stabilized. There were no issues. The Commission agreed to removing the EO.

A motion to lift the Enforcement Order at Chickering Road (Bellemer/Snow) 5/0 passed.

d. 17 Sunset Lane – Discussion:

Holly St. Jean, the owner, discussed water issues at 17 Sunset Lane. She said that there is a paper street that is owned by Jim Laney between her property and her neighbor's property. Ms. St. Jean and her neighbor have been cleaning out the stream for years. Ms. Emerson said that Ms. St. Jean & her neighbor should not be cleaning it out. Ms. St. Jean wanted to know if the town can clean it out. Ms. Emerson said the town needs to see the mess. Ms. St. Jean said that there is another issue from Rob Spence's property behind her. Last year there was a terrible ice storm, and it caused her sewer pipe to break from the road to her house. She had 6" of sludge in her basement that had to be pumped out by the fire department. The Town told her there was another problem, and she had to replace the culvert and pay for the replacement. Ms. St. Jean said that she never had water problems prior to 2020 when Rob Spence started all of the bulldozing. Jeff Bridges, the Town Administrator, offered to discuss the issues with Ms. St. Jean at another time.

e. Browning Pond Circle – Discussion:

Charlie Bellemer said that there has been flooding on his road occasionally for the last 40-years. He called Mr. Thibault who came out and fixed the road.

He asked the Commission if he should apply for an RDA or an NOI. It's a private road. The other problem is there is a beaver issue. Mr. Bridges suggested looking at Emergency maintenance rules and regulations for the road. The Commission agreed to look into the regulations and/or apply for a NOI. This will be discussed again.

4. Agent's Update: (on leave)

- a. **Violations & Complaints:**
- b. **Other Discussion items:**

5. Minutes - 8/16/23 Minutes tabled to 9/13/23

6. New Applications:

- a. **105 Clark Road – RDA**
- b. **84 Greenville Street – NOI**
- c. **111 Wilson Avenue-Request for CofC**

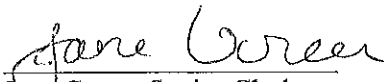
7. Continuances:

- a. **Charlton & Bacon Hill Roads – NOI – 9/13/23**
- b. **R27-1 Ash Street – NOI – 9/13/23**
- c. **10 Meadow Road – NOI – 9/27/23**
- d. **U24-17 Meadow Road – NOI – 9/27/23**

8. Adjournment:

A motion to adjourn the public hearing at 8:33 p.m. (Snow/Bellemer) 5/0 passed.

Respectfully submitted by:



Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at the 8/23/23 Conservation Commission Meeting

Agenda 8/23/23

12 Wilson Avenue – OOC

168 Ash Street – OOC

61 Wilson Avenue – OOC

R53-2 North Spencer Road – OOC

10 Meadow Road – Continuance

U24-17 Meadow Road – Continuance

6 East Avenue (Lots 6&7) – CofC

4 Wildwood Lane – Enforcement Order

Across from 57 Chickering Road – file

17 Sunset Lane – photos & video