

Conservation Commission – Town of Spencer



Minutes

DRAFT

Conservation Commission Meeting
Wednesday, August 24, 2022 at 6:15 PM
Town Hall, McCourt Social Hall

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

IN-PERSON AND REMOTE MEETING

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

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

Staff present: Jane Green

Staff absent: Lauren Trifone

2. There are no items to be signed.

3. Public Hearing/Meetings:

a. 6:15 p.m. Continued the Public Meeting for the Request for Determination of Applicability for Thomas Pelletier

Property: 52 Browning Pond Circle, Spencer, MA

Mr. Pelletier requested a continuance for next year. He found out that he may or may not own the land where the proposed work is to be done. Mr. Bellemer recused himself from the meeting. The Commission discussed continuances. The Commission agreed to the continuance to June 28, 2023.

*A motion to continue to June 28, 2023 (Snow/Emerson) 3/0 passed.
All in favor: Snow-yes, Bellemer-yes, McLaughlin-yes, Bellemer-abstained*

b. 6:23 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Jean Neale

Property: 81A & 81B Jolicoeur Avenue, Spencer, MA

Ms. Neale wants to remove a tree on the water's edge. Ms. McLaughlin said that the posts were put in for the deck, before the permit was approved. They were hand dug. Ms. Trifone & Ms. McLaughlin went out yesterday for a site visit, and said the contractor told them it had to be done because the decks were ready to fall down. Ms. McLaughlin read the inspection report. Run-off has been a problem on the side of the house as well. The tree removal and river rocks need to be added to the RDA form. A boom is required if hydraulics are used 40-ft from the water. The Commission asked Ms. Neale to add the tree and rocks to the form.

*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 determination on the amended application including the tree and rocks (Emerson/Bellemer) 4/0 passed.
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

c. 6:35 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Karen & Norman Charbonneau
Property: 13 R Jones Road, Spencer, MA

The applicant would like to take the barn down and replace it with a 20X30 structure on a concrete platform. They propose to remove a large dead pine tree and keep the stump. The Commission recommends wattles and a plant replacement.

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

d. 6:50 p.m. Opened the Public Hearing for the Notice of Intent for Gordon Letour
Property: 10 Meadow Road, Spencer, MA DEP#293-1007

The office received notification to continue to the next meeting.

At the request of the applicant, the hearing has been continued to September 14, 2022.

e. 6:52 p.m. Opened the Public Hearing for the Request to Amend the Order of Conditions for Jeff Hebert

Property: 39 Chickering Road, Spencer, MA DEP#293-1018

The representative, Stephen Balcewicz, Land Planning, Inc. wanted to address the concerns from Bill Cundiff, U&F Superintendent, for the amended Order of Conditions.

The main concerns are the emergency access and maneuverability. Mr. Balcewicz added a fourth sheet to the plans to address the concerns. He discussed the changes while the Commission looked at the plans. They added a turning template as an attachment provided by the fire chief. They added a 50-ft construction entrance. There was concern for surfacing, so they will be providing a base course pavement area.

Mr. Cundiff said that the driveway permit was submitted to his office prior to the town meeting. At the time, the existing conditions for the driveway permit applied. Since then, there is a new bylaw that has been placed into effect. Mr. Cundiff and Bob Parson have several concerns with the design as it is. The grade of the driveway in a few locations exceeds 15% grade. The width of the driveway is 12-ft paved. The concern is when two vehicles come from different directions, they could hit each other. Mr. Cundiff asked the Commission to wait to make a decision, with this permit, until the driveway permit is rectified. Gary Woodbury stated that even though there is a new bylaw, we shouldn't hold the applicant accountable. This permit started before the new bylaw came into effect.

Mr. Balcewicz said that the current regulations are 11% or less was allowable. They have cut that down to 2% and addressed the drainage at the street. He said they meet the requirements to address the two-way traffic. Mr. Balcewicz wanted to know what the fire chief wanted for the turnaround, because the area provided was taken from the International Code Council Massachusetts Fire Code for turnability. Mr. Cundiff suggested meeting with him and the fire chief to address the concerns. He reiterated the suggestion not to issue the permit until all departments agreed. Mr. Snow brought up the fact that if we decide to approve and more changes are made to the plans, the applicant will have to file another amendment.

Mr. Cundiff believes the changes to the plans have triggered the Stormwater Bylaw. It was not part of the amended OofC application. The Three triggers for stormwater are slope, percent of lot disturbance and impervious surface. Mr. Balcewicz said that it didn't trigger it at the initial review, but now it does.

At the request of the applicant, the hearing has been continued to September 14, 2022.

4. Other Business:

a. 53 Jolicoeur Avenue – Request for CofC:

When Ms. McLaughlin and Ms. Trifone went to inspect there was supposed to be a stonewall between the beach and the water to stop erosion. It was not done. The patio was done. They talked with the owner and told him to get some stone to put down to stop the sand from going into the water. The Commission does not want to issue the CofC until the rocks are placed down.

*A motion to not issue the CoC (Emerson/Snow) 4/0 passed.
All in favor: Emerson-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

b. 11 Lake Whittemore – Request for CofC:

This was for a septic replacement that was done in 2013. There were no problems. The Commission agreed to issue the CofC.

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

c. Discussion – Sugden Reservoir Treatment

The treatment is for overgrown cattails. Ms. McLaughlin recused herself but spoke as a resident. She offered to have the Commission meet her and she would show them all the cattails on her Pontoon boat. James Lacasse, from Water & Wetlands, said that he is responsible for doing the survey at this Sugden. Mr. Bellemer wanted to know if they could be harvested some other way. Mr. Lacasse said that to remove them mechanically would be more work and more expensive. Also, if you didn't get all of it, the plant could grow back. The Commission would like to go out and look at the cattails, and then vote on the treatment at the next meeting.

5. Agent's Update: Provided on 9/14/22

6. General Board Discussion: Mr. Snow will be away on 9/14/22 and possibly 9/28/22.

7. New Applications:

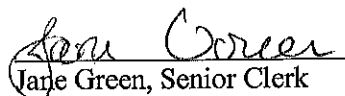
16 Shore Drive - RDA

8. Minutes: The 8/10/22 minutes will be tabled to 9/14/22.

9. Adjournment:

*A motion to adjourn the meeting at 7:40 p.m. (Bellemer/Emerson) 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 the August 24, 2022 Conservation Commission Meeting

AGENDA 8/24/22

CONTINUANCE – 52 BROWNING POND CIRCLE

DOA – 81A & 81B JOLICOEUR AVENUE

DOA – 13R JONES ROAD

CONTINUANCE – 10 MEADOW ROAD

CONTINUANCE – 39 CHICKERING ROAD

COC – 11 LAKE WHITTEMORE DRIVE

WATER & WETLANDS LETTER – SUGDEN RESERVOIR

