



# Conservation Commission – Town of Spencer

## *Minutes*

Conservation Commission Meeting  
Wednesday, September 13, 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, Mary McLaughlin,  
Dennis Shiver, Shannon Housh & Warren Snow

Staff present: Jane Green  
Staff absent: Lauren Vivier

**2. Public Hearings/Meetings:**

**a. 6:15 & 6:32 p.m. Opened the Public Meeting for Request for Determination of  
Applicability for Lauren Kleciak**

**Property: 105 Clark Road, Spencer, MA**

A neighbor, Jerry Ferguson, arrived at the meeting late. Mr. Bellemer wanted to know if Ms. Kleciak was going to dig down two feet. Mr. Bellemer suggested to dig below the frost line. The issue was that water was flowing from her neighbors' property into the lower level of her home. Ms. Kleciak wants to dig a trench, put a perforated pipe in and

add crushed rock. Ms. McLaughlin read the inspection report. The Commission would like a boom if hydraulic equipment is going to be used.

*A motion to close the public meeting (Emerson/Bellemer) 6/0 passed.*

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

*A motion for a negative determination with conditions (Emerson/Bellemer) 6/0 passed.*

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

**b. 6:16 p.m. Opened the Public Hearing for the Notice of Intent for Brian Weaver Property: 84 Greenville Street, Spencer, MA no DEP issued.**

Scott Morrison, from Ecotec, Inc. presented the project. The proposed work is for a single-family home, septic system and a driveway. Mr. Morrison discussed the plans. Mr. Snow read the inspection report. The office received the DEP file number today. The Commission agreed to the plans.

*A motion to close the public hearing (Emerson/Bellemer) 6/0 passed.*

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

*A motion to approve with conditions (Bellemer/Snow) 6/0 passed.*

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

**c. 6:24 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Steven Blake**

**Property: 123 Wilson Avenue, Spencer, MA**

Mr. Blake told the Commission that the wall down by the water is falling apart. He wants to raise the wall up 6 more inches to prevent the water from coming up over the top. His plan is to pour a concrete cap on top of the existing wall. Ms. Emerson said the rocks are irregular and she wanted to know how he was going to do the work. He said he was going to scribe with a board. He plans to start after the drawdown. It will be done in five sections. The Commission looked at the pictures. Mr. Snow saw the DEP comments and went along on the site visit and was satisfied with the proposed work.

*A motion to close the public meeting (Emerson/Bellemer) 6/0 passed.*

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

*A motion for a negative determination (Snow/Bellemer) 6/0 passed.*

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

**d. 6:45 p.m. Continued the Public Hearing for the Notice of Intent and SW Permit**

**for Colin Derhammer**

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

Calisto Bertin, President of Bertin Engineering, joined the meeting (remotely). Ms. McLaughlin reviewed Adrienne Lennon's letter. There was a discussion about the water quality report. Mr. Bellemer said that the ad in the paper stated there was supposed to be a report done on Charlton Bacon Road & Ash Street Subdivision. Mr. Bertin said he did file in July for the water quality certification for both properties.

Aaron Hutchins, from 225 Charlton Road, said that he could not understand how the stormwater reviewer could not find any stormwater issues. Ms. McLaughlin read the letter stating that Dominic Rinaldi completed the stormwater analysis. Mr. Hutchins said he wrote to MA DEP. He does not want this project to move forward. The wetlands will continue to drain downhill where his property is located. Mr. Bertin said that Mr. Hutchins home is impacted by the 50 acres of hill behind his property. Mr. Hutchins said that he loses a third of his land due to water coming off the hill, which was originally designed to flow through his property out of the wetland. Now, the plan is to make it larger on the side of the hill. Mr. Bellemer asked Mr. Hutchins if there was a stream through his yard before they did the forestry work. Mr. Hutchins said the stream was there, but never as much as it is now. Mr. Hutchins wants BSC to tell him where the water is going to go. Mr. Bertin said that they propose to put an inlet in on the corner of the property. Jeff Bridges, Town Administrator, asked Mr. Bertin if they could meet out at the property with Aaron Hutchins. Mr. Bellemer suggested that Dominic Rinaldi, the stormwater reviewer, meet with them as well. Mr. Bridges suggested continuing to the next meeting so that staff can prepare the conditions. David Nussey, 227 Charlton Road, asked about the blasting. Mr. Bellemer gave Mr. Nussey some information on blasting.

*At the request of the Commission, the hearing is continued to 9/27/23.*

**e. 7:21 p.m. Continued the Public Hearing for the Notice of Intent and SW Permit for Colin Derhammer**

**Property: R27-1 Ash Street, Spencer, MA DEP#293-1037**

Calisto Bertin, President of Bertin Engineering, said that they had a review letter from Haley Ward and they submitted a response to the letter. They adjusted some of the items and he wanted to review them tonight. They did not need a permit from Dam Safety. They did submit water quality calculations. They changed the berm basin next to the neighbor's property to a small retaining wall. Mr. Bellemer wanted to know how difficult it is to maintain the jellyfish. Mr. Bertin said that they have a maintenance schedule and they can adjust it based on the findings. Matt Burne, from BSC Group, said that he was satisfied with Mr. Bertin's response.

*At the request of the Commission, the hearing is continued to 9/27/23.*

### **3. Other Business:**

**a. 4 Wildwood Lane – Enforcement Order – Plans**

Peter Rourke said the septic plan was approved last night by Lisa, the Board of Health Agent. They decided to bring the tank and all the septic deliveries above the house. They propose a basin on the lakeside of Wildwood Lane with a riprap that would be 50-ft long. Ms. McLaughlin asked Mr. Rourke if the pipe was out of the water. Mr. Rourke said the pipe is out of the water. He said his neighbor has a pipe in the water as well. Ms. McLaughlin asked him how he is getting over the isolated wetland. Mr. Rourke said that they put in measures to mark the land. They will go around the buffer on the right side with a mini excavator. The Commission would like the list of the plants. They would like the proposed work to be completed September 13, 2024

*A motion to approve the plans under an Enforcement Order  
(Emerson/Bellemer) 6/0 passed.*

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

*A motion for the Enforcement Order to be fulfilled by 9/13/24 based on the  
plans submitted (Emerson/Housh) 6/0 passed.*

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

**b. 47 Cranberry Meadow:**

Brett Burt attended the meeting to go over the plantings that are required through his Order of Conditions and had some driveway questions. Mr. Burt said that that he would like to discuss the driveway first. He would like to bring the driveway up to the patio. They would like to leave the existing asphalt and add to it. He would like to widen the driveway. The Commission agreed to the plans. The Commission wanted to know where the plants were going to go. They looked at the plans. Mr. Burt wanted to know if he had to plant 55 plantings. The Commission said he did, but they do not have to be only trees. They could be bushes and shrubs as well. The Commission would like updated plans by the next meeting.

**c. 19 Bixby Road – Request for CofC**

The Commission would like to go out on a site inspection. The Commission said there have been multiple issues in the past on the property.

**d. 87 Lakeshore Drive**

The Commission would like to hold off on discussing this until a permit is filed.

e. **223 & 225 Charlton Rd & Bacon Hill Rd – Discussion – possible action on the 401 Water Quality Certification**

The Commission received the Water Quality Certification. There was no further discussion.

**4. Agent's Update:**

a. **Violations & Complaints:**

b. **Other Discussion items:**

- **21 Jolicoeur Ave – Sent NOV**  
The Commission would like to do a site walk.
- **50 Lake Street – Administrative Approval**  
Ms. Emerson did a site visit and said the trees were dead.
- **52 Lake Street – Administrative Approval**  
Ms. Emerson said the trees were dead at this address as well.

**5. Minutes: 8/16/23 & 8/23/23**

*A motion to accept the 8/16/23 minutes as amended (Emerson/Bellemer) 6/0 passed.  
All in favor: Housh-yes, Shiver-yes, Bellemer-yes, Snow-yes, Emerson-yes,  
Mclaughlin-yes*

*A motion to approve the 8/23/23 minutes as amended (Emerson/Bellemer) 6/0 passed.  
All in favor: Housh-yes, Shiver-yes, Bellemer-yes, Snow-yes, Emerson-yes,  
Mclaughlin-yes*

**6. New Applications:**

- a. **37 Sherman Grove – RDA – Reshape existing patio**


**7. Continuances:**

- a. **10 Meadow Road – NOI – 9/27/23**  
b. **U24-17 Meadow Road – NOI – 9/27/23**

**8. Adjournment:**

*A motion to adjourn the meeting at 8:52 p.m. (Emerson/Bellemer) 6/0 passed  
All in favor: Housh-yes, Shiver-yes, Bellemer-yes, Snow-yes, Emerson-yes,  
Mclaughlin-yes*

Respectfully submitted by:

  
Jane Green, Senior Clerk  
Development & Inspectional Services

**Documents reviewed at 9/13/23 Conservation Commission Meeting**

Agenda 9/13/23

Minutes 8/16/23 & 8/23/23

84 Greenville Street – OOC

123 Wilson Avenue – DOA

105 Clark Road – DOA

47 Cranberry Meadow Road – plans

4 Wildwood Lane - plans