

Conservation Commission – Town of Spencer

Minutes

DRAFT



Conservation Commission Meeting
Wednesday, September 28, 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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ATTENDING REMOTELY, PLEASE REMAIN ON MUTE AT ALL TIMES,
EXCEPT WHEN SPEAKING!**

1. The Meeting was opened at 6:22 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin & Warren Snow (joined remotely until 6:49 p.m.) The meeting was restarted at 6:55 p.m.
Commissioners Absent:

Staff present: Lauren Vivier, Jane Green
Staff absent:

2. There are no items to be signed.

3. Public Hearing/Meetings

**a. 6:23 p.m. Opened the Public Hearing for the Request for Determination of
Applicability for Lindsay Green**

Property: 34 Brooks Pond Road, Spencer, MA

Jason Dubois, from DC Engineering & Survey, explained where the 100-ft buffer zone was on the plans. The home and septic tank were outside the resource area. Ecotec

flagged the wetlands. Ms. McLaughlin read the inspection report.

A motion to close the public meeting (Emerson/Bellemer) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin-yes

A motion for a negative determination (Emerson/Bellemer) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin-yes

g. 6:30 p.m. Opened the Public Hearing for the Notice of Intent for Patricia Riley Property: 51 Oakland Drive, Spencer, MA DEP#293-1043

Ms. McLaughlin recused herself because she was an abutter. Mr. Snow joined the hearing remotely. Ms. Emerson stepped in as the Chair. The representative, John Linstedt, proposed to repair the retaining wall and install a concrete pad for a garden shed. He would like to add to the NOI the removal of a dock and put a mobile dock in. He would like to put a fence around the perimeter of his property as well. The Commission looked at the plans. He will add wattles before he starts the work. He will be repairing his deck with no ground disturbance as well. Ms. Emerson read the inspection report. Mr. Bellemer recommended a way to catch the roof water near the concrete pad. Mr. Linstedt suggested rain gutters and a drywell next to the pad to seep into the ground. The Commission asked Mr. Linstedt to add the changes to the NOI plans.

A motion to close the public hearing (Bellemer/Snow) 3/0 passed.

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

A motion to approve the Order of Conditions (Bellemer/Snow) 3/0 passed.

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

b. 6:53 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Klajdi Kosovrasti Property: 16 Shore Drive, Spencer, MA

Mr. Kosovrasti said that they bought the house in June and the fence was already up. They showed the Commission the plans. The Commission approved the permit.

A motion to close the public meeting (Emerson/Bellemer) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

A motion for a negative determination (Emerson/Bellemer) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

d. 6:57 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Robert Anderson Property: 60 Wilson Street, Spencer, MA

The representative, Mary Ann Dipinto, discussed the septic repair plans with the Commission. It did not pass the Title 5 inspection. Ms. McLaughlin read the inspection report. There will be permeable pavers behind the home. The Commission agreed to the

plans.

A motion to close the public meeting (Bellemer/Emerson) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

A motion for a negative determination (Bellemer/Emerson) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

e. 7:04 p.m. Continued 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 from Land Planning, Inc. said that there was a meeting with the highway Superintendent, the Fire Chief and Ms. Trifone. Concerns were addressed and Mr. Balcewicz changed the plans accordingly. Ms. Emerson wanted to know if the highway Superintendent was good with the updated plans. Mr. Balcewicz said that he changed the plans per fire Chief and Superintendents recommendations.

A motion to close the public hearing (Bellemer/Emerson) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

A motion to amend the Order of Conditions (Emerson/Bellemer) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

f. 7:10p.m. Opened the Public Hearing to Amend the Order of Conditions for Andrew Brodeur

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

The representative, Jason Dubois from DC Engineering & Survey, told the Commission they decided to use a different septic system that does not require as much digging and it is further away from the wetlands. They would like to remove a tree near the septic as well. They would like to replace an undersized drainage pipe that is not working well with a larger pipe. There is another tree that they would like to take down as well. The Commission asked for replacement plantings.

A motion to close the public hearing (Bellemer/Emerson) 4/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

A motion to approve the amended Order of Conditions with a condition that the pipe filter into the riprap

(Bellemer/Emerson) 4/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

h. 7:22 p.m. Opened the Public Hearing for the Notice of Intent for Andrew Truax

Property: 47 Washburn Terrace, Spencer, MA DEP#293-1042

Jason Dubois, from DC Engineering & Survey, said that Richard Gobi, of Gobi Land Engineering, did these plans years ago. The plan is to demolish the existing home and garage and replace it with a single-family home with a larger footprint. The proposed house is located further back and a corner of it is located within the 200-ft riverfront zone.

Mr. Bellemer read his inspection report. He met with the builder and the tree expert. The Commission could not see where the house was going to be located. The Commission looked at the plans and discussed the work. They wanted to know how many trees were going to be dropped. Mr. Dubois said about 10 -12 trees on either side. Mr. Bellemer said the forest needs to be flagged. Ms. Emerson would like to see where the house is going to be. The Commission would like to see the flags and house on the plans.

At the request of the Commission, the hearing has been continued to 10/12/22.

**i. 7:37 p.m. Opened the Public Hearing for the Notice of Intent for BPL Realty, LLC
Property: 25 Kittredge Road, Spencer, MA DEP#293-1044**

Julian Votruba, from New England Environmental Design, LLC, described the color coding on the septic plans to the Commission. The Board of Health approved the plans. The plan will include stormwater management. The house is staked out. There is a silt fence line and wetlands markers. Mr. Votruba said the history of the property shows that there was a gravel pit on the property. Mr. Bellemer said that they noticed a big wetland area across the street, but that will not affect the project. The Commission agreed to the plans.

A motion to close the public hearing (Emerson/Bellemer) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

A motion to issue the Order of Conditions with conditions (Emerson/Bellemer) 3/0 passed.

All in favor: Emerson-yes, Bellemer-yes, McLaughlin

**j. 7:50 p.m. Continued the Public Hearing for the Notice of Intent for Gordon
Letour**

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

Glenn Krevosky from EBT Environmental Consultants, Inc., discussed the revised plans. There have been changes with Engineers since the project first started. The Commission looked at the plans while Mr. Krevosky discussed the updates. Jeeps were going through two wetland areas, on town property, so they put up logs to block the entrance area. BSC required test pits for BVW data. Mr. Krevosky performed the test pitting. There are proposed stormwater basins. The data shows 70% fac up plants. BSC said there were wetlands across the river. Mr. Krevosky said there is no work proposed across the river. There is a riverfront area. He would like a site inspection with the Commission and a continuance. Mr. Bellemer wanted to know if the clean-up was going to happen soon. Mr. Krevosky said that he hoped that it could happen in October or November of this year.

At the request of the applicant, the hearing has been continued to 10/12/22

**k. 8:05 p.m. Continued the Public Hearing for the Notice of Intent for Colin
Derhammer**

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

TJ Recuperero, Atty for Bertin Engineer, reviewed the past submission. They are waiting on a Peer review memo from BSC. Eloi Qorri, Project Manager, for Bertin Engineering

discussed the site visit from September 7, 2022. Frank White, of 35 R Jones Road, wanted to know if there was going to be blasting. He is concerned with the Aquafer. Mr. Qorri said there will be no blasting. They plan to bring in silt. The plans before the board are for the Sub-division. This is for one house lot on the property.

Gary Woodbury, 219 Charlton Road, wanted to know if they found out anything about the dam. Also, the one lot on the property is under water. It is an unbuildable lot. Mr. Westerman still owns the lot along with someone from Rhode Island. A resident, Bob (did not state is last name or address) is concerned about water coming off the driveway. Mr. Recuperero explained stormwater and BMP (Best Management Practices). When there is stormwater on a property, it is the legal duty to catch, control, manage it, clean it, and make sure it discharges off the property at no higher rate or volume. Everything that is falling on the property, has to stay on the property, so that no adjacent land is impacted. Mr. Recuperero said that his duty as a lawyer, is to make sure the work done is legal. The Commission will send this out to Peer Review to do the drainage calculations.

Mr. Qorri said that the existing catch basins on Ash Street that are collecting stormwater, will be better than before, according to their calculations. Mr. Bellemer wanted to clarify that the dirt road that goes in now, is not going to be the driveway.

Jan Parke, from Common Ground Land Trust, said that this piece of property is like a huge sponge, a bog with wetlands broken up divided by ledge. The ledge is holding that bog and sponge together. Any disturbance at all, and there is no way of predicting what will happen. Mr. Bellemer would like the Dam inspected by the Office of Dam Safety. Mr. Qorri said that there are no plans to use the dam nor the road near it.

At the request of the applicant, the hearing has been continued to October 26, 2022.

1. 8:35 p.m. Continued the Public Hearing for the Notice of Intent for Colin Derhammer

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

TJ Recuperero, Atty. for Bertin Engineer, said that this has not gone to Peer Review yet. Some issues need to be addressed with Planning Board first.

Gary Woodbury, 129 Charlton Road, said that his abutter notice for this application was from Spencer Solar, LLC. Mr. Woodbury's neighbors would not have known that this was for the same project. Mr. Woodbury said that this is downright deception. Mr. Woodbury went door to door to inform his neighbors of the plans. They all have water issues. He said the Subdivision was logged in 2017. Debra Smith, 239 Charlton Road, said that she has spent a total of \$8000 due to the logging. Ms. Smith said that Todd Vitkos hired a company to clear the lot. They started at one end of the hill and went down and back up which created a V. All that water rushed onto her property. It washed out all of the sod, loam and shrubs. Mark Robinson, of 233 Charlton Road, who has the highest house on the street said that he has spent 12-15 years on the design of his lawn. He has had to replace a collapsed drain. Every time they do something with that property, his property suffers. His shed fell off its cinder blocks. There is a wind tunnel

from the northwest. In the winter, there is a river going down his driveway. He agrees with Ms. Parke that the property is a sponge. Taylor Wentworth, 245 Charlton Road, said that they have an entire ditch moat around their property. They have a sump pump with about one hundred drains. She said that the amount of water that comes off the hill is astronomical. It is not just ledge, there is clay. Mr. Woodbury reiterated that this is an ongoing issue. His side yard is washed out. His driveway is disappearing and breaking up because of the water coming down that hill. Mr. Woodbury mentioned the fact that the previous Conservation Agent, George Russell, stated that in his opinion, this project should go nowhere. Elio Qorri said that they would install stormwater controls, propose oversized detention basins, and underground basins. Mr. Woodbury wanted to know if the stormwater management included any impervious surface. Mr. Qorri said that the system is based on the impervious surface for the subdivision. Mr. Bellemer wanted to know if the calculations were based on there being two acres of glass on the ground. Mr. Qorri said it is solely for the subdivision. Ms. Smith wanted everyone to know that prior to the clearing of all the trees, she never had problems with water. Roger Barnes, from 236 Charlton Road, said that he used to mow the back side of the property for years. He had to stop because his tractor would sink 5-6 inches. Mr. Woodbury said that when he built his house 35 years ago, they dug his well. It was contracted for 200 ft with 20-ft of casing. They hit thirty gallons a minute recovery. That gives us an idea of how much water is up there. Mr. Woodbury would not want to live up where the battery packed boxes are proposed to be. They are hazardous. The solar farm at the transfer station spent 7.8 million dollars to put in poles. Mr. Woodbury said it is not right to take good land and jeopardize an entire neighborhood.

Mr. Recupero said that this applicant has done no work out there. Right now, this property has zero stormwater management. The NOI's plan is to build stormwater management. Peer Review has been done in the resource area. He said that they take this seriously. He was not sure why the issue of the notice was sent that way. The manager is Colin Derhammer of Spencer Solar LLC. In the future if they need to provide notice, they will make sure it is clarified.

Frank White wanted to know why it was approved in the first place. Mr. Bellemer said it was approved by a state forester. Ms. Smith said that before they started that project, she had called the forester and they made all kinds of promises.

At the request of the applicant, the hearing has been continued to October 26, 2022.

c. 9:11 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Raymond Delisle Property: 14 Pine Acres, Spencer, MA

Shelley Hultgren, of Quinn Engineering, said that the owner was selling the property. The project was for a septic repair. Ms. Hultgren did soil testing and recorded the BVW line. They plan on regrading the site, realigning the driveway, and creating a swale, to help with drainage. The Commission agree to the plans.

*A motion to close the public meeting (Bellemer/Emerson) 3/0 passed.
All in favor: Emerson-yes, Bellemer-yes, McLaughlin
A motion for a negative determination (Emerson/Bellemer) 3/0 passed.*

4. Other Business: There was no other business.

5. Agent's Update: This did not happen.

6. General Board Discussion: Planned for site visits.

7. Open Comments for the Public: During the hearings.

8. New Applications: 46 Oakland Drive – RDA
59 Lake Avenue - RDA

9 Minutes:

A motion to table the 8/10/22 minutes and the 8/24/22 minutes to 10/12/22.

10. Adjournment:

A motion to adjourn the meeting at 9:22 p.m. (Emerson/Bellemer) passed 3/0.

Respectfully submitted by:


Jane Green, Senior Clerk
Development & Inspectional Services

Documents reviewed at 9/28/22 Conservation Commission Meeting

AGENDA - 9/28/22

DOA –34 BROOKS POND ROAD

DOA – 16 SHORE DRIVE

DOA – 60 WILSON STREET

DOA – 14 PINE ACRES

AMENDED ORDER OF CONDITIONS – 39 CHICKERING ROAD

AMENDED ORDER OF CONDITIONS – 37 POINT EASTLEE

ORDER OF CONDITIONS – 51 OAKLAND DRIVE

ORDER OF CONDITIONS – 25 KITTREDGE ROAD

CONTINUANCE FORM – 47 WASHBURN TERRACE

CONTINUANCE FORM – 10 MEADOW ROAD

CONTINUANCE FORM – R27-1 ASH STREET

CONTINUANCE FORM – CHARLTON & BACON HILL ROADS