

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, January 28, 2015 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7 p.m.

Commissioners Present: Mary McLaughlin, Dana Reed, Margaret Emerson, James Bouley, Warren Snow

Commissioners Absent: Eric Peterson

Staff present: Margaret Washburn

**Minutes Approved:** December 10, 2014 – *A motion to approve the minutes as amended (Emerson/Bouley) passed 5/0.*  
January 14, 2015 – Table to February 11, 2015

**Signed:** Browning Pond, Order of Conditions  
74 Donnelly Road, ORAD  
Continuance form – Hearing for 144 Mechanic Street solar farm continued to February 25, 2015

### **NO PUBLIC HEARINGS**

#### **Other Business:**

**91 Meadow Road:** Ms. McLaughlin said the Commissioners walked by the property on January 10, 2015. She said it was hard to see over the fence. They noticed a pile of wood near the river. There were multiple cars and one appeared to have no license plate. The cars were in the front yard and driveway. Ms. Scarlet suggested that the Commission go on the land across the river (fairgrounds) when the snow melts, in order to view the site. Ms. Washburn said the Commission should call ahead and schedule a site visit.

**97 Meadow Road:** Ms. McLaughlin said there is a huge pile of yard waste. The owner had said that other people from the neighborhood use the site as a dumping yard and he doesn't know how to stop them. Ms. McLaughlin suggested that whoever owns the land put up a "No Dumping" sign.

**Chapter 61, Right of First Refusal:** Ms. Ginny Scarlet explained that under Chapter 61, the landowner makes a commitment for 10 years in exchange for a tax break. The taxes drop to the lowest rate, calculated by the annual return for forestry, which is the lowest rate in the program. The owner has to re-apply every year in October and demonstrate that it is still in agriculture. They must submit commercial receipts. If the owner is living off their farm, it does not count. Once someone is in the program, and they want to change the use, but not selling commercially, the town has an option to buy that lasts 120 days. If there is a buyer, the notice to the town has to include the purchase and sale agreement. The town has to match the cost and the property must be sold within the 120 days.

Ms. Scarlet said when a landowner wants to take the land out of Chapter 61 they need to communicate with the Select Board, Assessors, Planning Board, Conservation Commission, and the State Forester. Copies of the Notice of Intent must be submitted to each of these entities as well in order to develop the land. Ms. Scarlet suggested that the Commission speak to the Selectboard and be put on the Selectboard's agenda to discuss how to prepare when a high-priority piece of land becomes available. They should discuss how to get the Selectmen to cooperate on getting a quick decision to get the prime properties assigned. It is the Selectmen, not the Conservation Commission, that have the right of first refusal. Ms. McLaughlin requested that the Common Ground Land Trust give the Commission a list of desired properties. Ms. Scarlet suggested going to the Selectmen in July, August, or September. Ms. Scarlet will prepare a handout with a timeline on it and she will attend a Conservation meeting in April.

**0 Woodbine Terrace:** Ms. Washburn said that Ms. Emerson went to court with her on 1/21/15. Ms. Petrozzi came with Attorney Brian DeVellis who stated that he is also a landscape architect. They met with a mediator. Mr. DeVellis said Ms. Petrozzi called him the night before and that he knew virtually nothing about the situation. They reviewed the agreement that Ms. Petrozzi had signed, point by point. Mr. DeVellis said he would go to the site with Julian Votruba. On Monday, 2/2/15, at 10:00 he is coming to the Conservation office. On Wed., 2/18/15, they have another court date with the mediator. Between those dates, Mr. DeVellis and Ms. Washburn are supposed to draw up another agreement for Ms. Petrozzi and the judge to sign on 2/18/15. Mr. DeVellis felt that the 2/3/15 deadline for the CESSWI remediation plan needed to be changed.

**Upcoming meetings:** Mr. Snow said he will not be attending the February 11<sup>th</sup>, March 11<sup>th</sup>, April 22<sup>nd</sup>, or May 27<sup>th</sup> meetings.

New Applications: None

*A motion to adjourn the meeting at 9:05 p.m. (Emerson/Snow) passed 5/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 1/28/15 Spencer Conservation Commission meeting:

Agenda for the 1/28/15 meeting  
Margaret's report dated 1/28/15  
Minutes from the 10/10/14 CC meeting  
Browning Pond Road OofC (signed)  
74 Donnelly Road ORAD (signed)  
Continuance form for 144 Mechanic Street (signed)  
NOI file for 91 Meadow Road  
Summary Chart of the Chapter 61 Process Flowchart, received from Ginny Scarlet on 1/28/15  
Letter dated 1/13/15 from Meloche & Meloche re: Chapter 61A right of first refusal for Simonis property on Paxton Road  
Estimate from Brunelle Landscaping re: repairing/replacing fence at Depot Trail parking lot on South Spencer Road, dated 1/22/15  
DEP Severe Weather Emergency Declaration, dated January 2015