

# Conservation Commission – Town of Spencer

## *Minutes*

Conservation Commission Meeting  
Wednesday, October 12, 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

**Please join my meeting from your computer, tablet or smartphone.**

<https://www.gotomeet.me/tmiller4/conservation>

**You can also dial in using your phone.**

United States: +1 (571) 317-3122

**Access Code:** 454 – 205 - 589

**PLEASE MUTE CELL PHONES AND ELECTRONIC DEVICES. IF  
ATTENDING REMOTELY, PLEASE REMAIN ON MUTE AT ALL TIMES,  
EXCEPT WHEN SPEAKING!**

---

---

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

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

Commissioners Absent:

Staff present: Lauren Vivier

Staff absent: Jane Green

**2.** There are no items to be signed.

### **3. Public Hearing/Meetings**

#### **a.6:15 p.m. Opened the Public Hearing for the Request for Determination of Applicability for Mark Auger**

##### **Property: 45 Oakland Drive, Spencer, MA**

Ms. McLaughlin recused herself. Ms. Emerson covered as the chair. Mr. Auger told the Commission he would like to remove four trees. He discussed the tree locations on the plans. Ms. Emerson suggested that the tree near the water, be pruned instead of removed. Ms. McLaughlin, who spoke as an abutter, asked if the tree by the shed was to be removed. Mr. Auger said he was going to trim that one. Ms. McLaughlin said she had an arborist come out and he told her that tree was dead. She said that if that tree falls on her house, it will be Mr. Auger's problem. The other half of the tree already took out part of her roof, windows and the door. Mr. Auger added the additional tree to the plan. He is going to have an arborist look at the fifth tree. Ms. Vivier discussed her recommendations. The Commission would like replacement plantings for the trees removed. Mr. Auger would like to continue to the next meeting to think about this further.

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

#### **b. 6: 45 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Peter Fifield**

##### **Property: 59 Lake Avenue, Spencer, MA**

Ms. McLaughlin returned as chair. The applicant was not able to connect to the hearing. The Commission agreed to come back to it after the next application. Mr. Fifield said that he would like to take down a tree that is leaning over his house. He hired White's Tree Service to look at it, and he was told it should come down. Ms. Vivier showed pictures to the Commission. The Commission recommended a replacement planting.

*A motion to close the public meeting (Bellemer/Emerson) 5/0 passed.*

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

*A motion for a negative determination at 59 Lake Ave (Emerson/Bellemer) 5/0 passed.*

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

#### **c. 6:35 p.m. Continued the Public Hearing for the Notice of Intent for Andrew Truax**

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

Jason Dubois, of DC Engineering & Survey, told the Commission where the house was going to be located. The proposed house is to go where the garage is. The garage will be demolished. The trees that are proposed to come down were added to the plans. Ms. Vivier said the area where the proposed trees are to come down is flat. It would be a great spot for replacement plantings. The Commission looked at the plans. The Commission told the applicant they need to plant six trees or twelve shrubs.

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

*All in favor: Emerson -yes, Thibault-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

*A motion to approve the Notice of Intent with trees or shrubs for replacement (Emerson/Bellemer) 5/0 passed.*

*All in favor: Emerson -yes, Thibault-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

**d. 7:00 Continued the Public Hearing for the Notice of Intent for Gordon Letour Property: 10 Meadow Road, Spencer, MA DEP#293-1007**

Glenn Krevosky, of EBT Environmental Consultants, Inc requested continuance. Ms. Vivier and Ms. McLaughlin went out for a site visit. They looked at the test pit. The next step is for BSC Group to go out for another site visit. They discussed a pile of fill that needs to be cleaned up.

*At the request of the applicant, the hearing has been continued to November 16, 2022.*

**4. Other Business:**

**a. 49 Lambs Grove –**

The applicant requested Certificate of Compliance. Ms. Vivier said that this was an older project. The office was waiting on the as built. There was septic work and a retaining wall. The area looks great.

*A motion to grant the CofC at 49 Lambs Grove (Bellemer/Emerson) 5/0 passed.*

*All in favor: Emerson -yes, Thibault-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

**b. 78 Donnelly Road-**

The request for Certificate of Compliance was for a single-family home. There were trees removed. The site is very clean.

*A motion to issue the Certificate of Compliance (Emerson/Bellemer) 5/0 passed.*

*All in favor: Emerson -yes, Thibault-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

The new owners (did not state name) of 78 Donnelly, joined the meeting and wanted to know why the driveway was not paved and how to go about obtaining an easement near the trail. The Commission said that this is not under Conservations jurisdiction.

**c. 96 Pleasant Street**

The request for Certificate of Compliance was for the shed, a firepit, a fence and for tree removal. The work was all done. The owner wanted to trim an apple tree on the property as well.

*A motion to issue the Certificate of Compliance (Emerson/Bellemer) 5/0 passed.  
All in favor: Emerson -yes, Thibault-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

**d. 63 Cranberry Meadow Road-**

The request for Certificate of Compliance was for soil remediation. Ms. Vivier said the land was full of healthy vegetation. Presently, it is a gravel pit that is not open to the public.

*A motion to issue the Certificate of compliance for 63 Cranberry Meadow (Emerson/Bellemer) 5/0 passed.*

**e. 214 North Spencer Road-**

The request for Certificate of Compliance was for septic work that was never done. The site looked clear.

*A motion to issue the Certificate of Compliance for (Emerson/Bellemer) 5/0 passed.  
All in favor: Emerson -yes, Thibault-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

**f. 19 Sherman Grove-**

The request to extend the Order of Conditions is for a house that was torn down with plans to rebuild, along with a retaining wall that was done. The homeowner was ill, so the project was delayed.

*A motion to issue the extension to the Order of Conditions (Bellemer/Emerson) 5/0 passed.  
All in favor: Emerson -yes, Thibault-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

**g. Conservation Commission 2023 Deadlines-**

Ms. Vivier brought up a suggestion to have only one meeting in January. The Commission discussed it. The Commission will review the 2023 Deadlines and discuss this at the next meeting.

## **5. Agent's Update:**

- **Open/new violations** – Ms. Vivier issued a Stop Work Order of 61 Lake Avenue for digging.
- **Westland Drive** – Ms. Vivier continues to pursue the illegal dumping in that area.
- **Other discussion items**

**16 Marble Road-** Ms. Vivier said that the applicant went for their driveway permit and the highway superintendent wanted them to put a detention pond in front of the property, with a drainpipe under the driveway. These changes were added to the plans. It was not in the buffer zone, but the owners wanted to let the Commission know about the changes.

*A motion to approve the changes at 16 Marble (Emerson/Bellemer) 5/0 passed.  
All in favor: Emerson -yes, Thibault-yes, Bellemer-yes, Snow-yes, McLaughlin-yes.*

## **6. General Board Discussion – TREE REMOVAL-**

Ms. McLaughlin said that she consulted with a tree warden, and he told her that red maple should not be on the tree list. Even though they are not invasive, they can take over. Ms. Emerson said that the residents will not find the plants on the list locally. They are going to have to order on the native plant websites. Ms. Emerson also wanted to discuss the size of the plants on the list. The Commission would like to discuss this at the next meeting.

## **7. Open Comments for the Public:**

### **8. Minutes:** 8/10/22, 8/24/22 & 9/28/22

*A motion to approve the August 10, 2022 minutes as amended (Bellemer/Emerson) 4/0 passed.*

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

*A motion to approve the August 24, 2022 minutes as amended (Emerson/Bellemer) 4/0 passed.*

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

*A motion to approve the September 28, 2022 minutes as amended (Emerson/Bellemer) 4/0 passed.*

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


**9. New Applications:**

- a. **30 Point Eastalee – RDA**
- b. **25 Delude Avenue – RDA**
- c. **18 Laurel Lane - NOI**

**10. Adjournment:**

*A motion to adjourn the meeting at 8:50 p.m. (Emerson/Snow) passed 5/0.*

Respectfully submitted by:



Jane Green, Senior Clerk  
Development & Inspectional Services

**Documents reviewed at 10/12/22 Conservation Commission Meeting**

AGENDA 10/12/22

MINUTES 8/10/22, 8/24/22/ & 9/28/22

CONTINUANCE – 45 OAKLAND DRIVE

DOA – 59 LAKE AVENUE

OOB – 47 WASHBURN TERRACE

CONTINUANCE – 10 MEADOW ROAD

COC – 49 LAMBS GROVE

COC - 78 DONNELLY ROAD

COC – 96 PLEASANT STREET

COC -63 CRANBERRY MEADOW ROAD

COC – 214 NORTH SPENCER ROAD

EXT. OOB – 19 SHERMAN GROVE

CONSERVATION COMMISSION 2023 DEADLINES

TREE REMOVAL POLICY