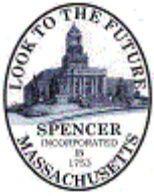


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, July 13, 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.**

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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: Lauren Trifone, Jane Green

## **2. Public Hearing/Meetings**

### **a. 6:16 p.m. Opened the Public Hearing for the Request for Determination of Applicability for Melissa & Andrew Brodeur Property: 37 Point Eastalee, Spencer, MA**

Mr. Brodeur said he would like to take down two pine trees and put in two footings on the porch which is leaning forward. Ms. McLaughlin wanted to know why they want to take down the trees. One tree is in the way of the potential septic system. The other one is 10-ft from the front door and hangs over the house. They are concerned that a storm could knock down branches on the house and damage it. Ms. McLaughlin wanted to know when the septic was going in. Mr. Brodeur wanted to wait until the trees were gone and

then proceed with the septic plan. Ms. McLaughlin wanted to know about replacement plantings. Ms. McLaughlin wanted to know if they could trim the tree instead. Ms. Trifone said that the tree is lopsided. Ms. McLaughlin thought they should have done the septic plan first. There was a discussion about the trees and how they are the only ones on the lot. The Brodeur's have plans to put in plants, but they want to wait for the septic to get done. Ms. McLaughlin talked about how this happened to her and half the tree came down on her boat. She hired a forester to trim the tree and then the other half came down on her dock. Mr. Bellemer did not recommend trimming it. The tops are missing from the tree. Mr. Brodeur said there are power lines which would be knocked down if the tree came down. The one estimate that the Brodeurs got did not include taking down the trees. That is why they decided to get the trees done first. They are having a hard time finding a contractor as well. The Commission agreed to the tree in the front getting removed, but to wait for the other tree when the septic is done.

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

*A motion for a negative determination for the footings for the deck and tree removal near the front of the home and a positive determination for the tree near proposed septic (Snow/Bellemer) 4/0 passed.*

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

**b. 6:42 p.m. Opened the Public Meeting for the Request for Determination of Applicability for William V. Phillips**  
**Property: 107 Smithville Road, Spencer, MA**

This is in response to a Notice of Violation. There were four trees removed in the buffer Zone without a permit. Mr. Phillips wanted suggestions on what to plant. Ms. Trifone recommended going to his preferred nursery in the area. The Commission would like the applicant to let us know by 9/28/22 what they plan on planting. The applicant was fined because of the work that was done. The Commission agreed that if they notify us by 9/28/22, followed by putting in the replacement plantings, the fine will be lifted.

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

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

*A motion for a negative #3 determination (Snow/Emerson) 4/0 passed.*

**c. 6:50 p.m. Opened the Public Meeting for the Request for Determination of Applicability for William J. Cundiff**  
**Property: Valley Street & Mill Street, Spencer, MA**

Mr. Cundiff, U&F Superintendent, said that this project is a community development block grant project through the Selectman's office. Because of its size and budget, there are two phases. Phase 1 is the reconstruction of Valley between Chestnut and past Mill street. It is about 475 feet. There will be 200-ft of water line running up Mill Street. They are not expanding any impervious surfaces. They are installing hoods in the catch basin

which should improve water quality. The scope of the project is to put in granite curbs, add sidewalks, and driveway aprons. The Commission looked at the plans. Ms. McLaughlin read the inspection report. The Commission agreed to the project.

*A motion to close the public meeting (Emerson/Bellemer) 4/0 passed.  
A motion for a negative #3 determination Bellemer/Snow) 4/0 passed.  
All in favor: Emerson-Aye, Bellemer-Aye, Snow-Aye, McLaughlin-Aye.*

**d. 7:00 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Jeffrey Anderson**

**Property: Lot 2 Donnelly Cross Road, Spencer, MA**

Andy Baum, from Sherman & Frydryk, discussed the proposed 4-bedroom single-family home and detached garage. The Commission looked at the plans. Mr. Baum discussed the BVW in the 50-ft buffer zone. There was a site walk yesterday. Mr. Bellemer wanted to know where the stockpile would be. Mr. Baum said it would be behind the house or towards the road. They are going to use fill up the limit of work for the septic. Ms. McLaughlin read the inspection report. Ms. Trifone showed the Commission the pictures she took. After talking to the Building Inspector, Ms. Trifone said the proposed garage, with an accessory apartment has to be attached to the primary residence according to the Spencer zoning laws.

*A motion to close the public meeting (Snow/Bellemer) 4/0 passed.  
All in favor: Emerson-Aye, Bellemer-Aye, Snow-Aye, McLaughlin-Aye.  
A motion for a negative #3 determination (Emerson/Bellemer) 4/0 passed.  
All in favor: Emerson-Aye, Bellemer-Aye, Snow-Aye, McLaughlin-Aye.*

**e. 7:10 p.m. Opened the Public Meeting for the Request for Determination of Applicability for Thomas Pelletier**

**Property: 52 Browning Pond Circle, Spencer, MA**

The office received notification the applicant would like to continue the meeting.

*At the request from the applicant, the hearing has been continued to July 27, 2022.*

**3. Other Business:**

**a. 68 & 70 Donnelly Road – Partial CofC – Vote:**

*A motion to issue a partial Certificate of Compliance for 68 & 70 Donnelly Road (Snow/Emerson) 4/0 passed.  
All in favor: Emerson-Aye, Bellemer-Aye, Snow-Aye, McLaughlin-Aye.  
A VOTE to release the bond in the amount of \$12,109.20 (Snow/Bellemer) 4/0 passed.  
All in favor: Emerson-Aye, Bellemer-Aye, Snow-Aye, McLaughlin-Aye.*

**b. 18 Laurel Lane – SW Bond:**

After further investigation, there was no bond.

**c. 425 East Main Street – Request for CofC:**

Ms. Trifone said that this was a septic replacement. Photos were shown. The building is currently for sale. They have been mowing it. The grass is growing. Ms. Trifone recommended issuance.

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

**d. Conservation Commission Membership Dues – Vote**

Ms. Trifone said that the annual dues are \$458.00. It goes to vote every year. She does not know why because it comes out of the ODIS (Office of Development & Inspectional Services) budget.

*A motion to pay the dues for the Conservation membership (Snow/Emerson) 4/0 passed.  
All in favor: Emerson-Aye, Bellemmer-Aye, Snow-Aye, McLaughlin-Aye.*

**e. 24 Briarcliff Lane – Request for CofC:**

Ms. Trifone said that last month she went out to the site. The detention basin that was part of the plan, was done a little smaller. The work that was done seems like it will be much easier for maintenance. She recommended issuance.

*A motion to issue the Certificate of Compliance for 25 Briarcliff Lane (Bellemmer/Snow) 4/0 passed.*

*All in favor: Emerson-Aye, Bellemmer-Aye, Snow-Aye, McLaughlin-Aye.*

**f. 16 Shore Drive – Request for CofC:**

This was for a septic replacement. Ms. Trifone wanted to know if the fence was there before. She showed the photos to the Commission. There was a discussion, and it was decided that they are going to hold off on the CofC and look into this further. It was suggested that they may have to file or amend the OofC for the fence.

**g. 14 Washburn Terrace – Request for CofC:**

This is for a septic replacement. Ms. McLaughlin read the inspection report. Ms. Trifone recommended issuance.

*A motion to issue the Certificate of Compliance (Snow/Emerson) 4/0 passed.*

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

- a. Ms. Trifone said there are no current violations.
- b. Bob Perry is no longer part of the Conservation Commission. There are many vacancies on the town boards.
- c. Grant for Wildlife Habitat – there was a discussion about what it can be used for. It can be used for birdhouses. Mr. Bellemer wanted to know if it can be used for beaver habitat. It cannot be used for beaver habitat.
- d. Cranberry Meadow was treated.
- e. The Lamoureux road project is about to start.
- f. The town signed the contract for E-permitting. It should be starting in about 6 months.
- g. Mr. Bellemer said that he has two dead trees at the end of his driveway. They are not on his property. If they fall they are going to block the road. It is the boy scout property. The previous agents gave an Administrative approval for these already. There is a stump he would like to move as well.

**5. Minutes:** The Commission would like the minutes to be tabled to 7/27/22. They did not have time to review them.

#### **6. New Applications:**

- a. **68 & 70 Donnelly Road** - RDA
- b. **59 Wilson Ave**-Request for CofC
- c. **41 Oakland Drive**- RDA

#### **7. Adjournment:**

*A motion to adjourn the meeting at 7:59 p.m. (Bellemer/Emerson) 4/0 passed.*

Respectfully submitted by:

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Jane Green, Senior Clerk  
Development & Inspectional Services

**Documents reviewed at 7/13/22 Conservation Commission Meeting**

AGENDA – 7-13-22

DETERMINATION OF APPLICABILITY – 37 POINT EASTALEE

DETERMINATION OF APPLICABILITY – 107 SMITHVILLE ROAD

DETERMINATION OF APPLICABILITY – VALLEY & MILL STREET

DETERMINATION OF APPLICABILITY – LOT 2 DONNELLY CROSS ROAD

CONTINUANCE FORM – 52 BROWNING POND CIRCLE

CERTIFICATE OF COMPLIANCE - 425 EAST MAIN STREET

CERTIFICATE OF COMPLIANCE - 24 BRIARCLIFF LANE

CERTIFICATE OF COMPLIANCE - 14 WASHBURN TERRACE