

# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, August 9, 2017 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7 p.m.

Commissioners Present: Margaret Emerson, James Bouley, Warren Snow, Brian Graeff,

Commissioners Absent: Mary McLaughlin

Staff present: Margaret Washburn

**Minutes Approved:**

July 12, 2017 – *A motion to approve the minutes as amended (Graeff/Snow) passed 4/0.*

July 26, 2017 – Tabled to August 23, 2017

**7:16 p.m. Opened the Continuation of Public Hearing for Notice of Intent for Spencer Fish & Game Club**

**Property: 155 Mechanic Street, Spencer, MA DEP#293-0901**

Steve Broyer presented. He said they addressed all the comments from Graves Engineering and revised the plan. The work needs to be done when the weather allows. An 8-inch gate valve allows the pond to be drawn down. The concrete outlet structure must be specific to the site and the shop drawing. Ms. Washburn anticipates the Commission releasing the bond at the next meeting. Ms. Washburn asked if the plantings have been done yet. Mr. Broyer said yes. Ms. Washburn said a Certificate of Compliance should be issued this year. Ms. Washburn read special conditions to be put in the Order of Conditions. Mr. Broyer asked for permission to remove the silt fence between the shooting range and the stream.

*A motion to close the public hearing (Graeff/Snow) passed 4/0.*

*A motion to issue the Order of Conditions with conditions (Graeff/Snow) passed 4/0.*

**7:35 p.m. Opened the Continuation of Public Meeting for Abbreviated Notice of Resource Area Delineation for Karen Hubacz-Kiley**

**Property: 93 & 97 Hastings Road, Spencer, MA**

At the request of the applicant, the meeting has been continued to August 23, 2017.

**7:36 p.m. Opened the Continuation of Public Meeting for Request for Determination**

**of Applicability for Alan Nash**

**Property: 30 GH Wilson Road, Spencer, MA**

At the request of the applicant, the meeting has been continued to August 23, 2017.

**7:38 p.m. Opened the Public Meeting for Request for Determination of Applicability for Ralph Williamson**

**Property: 13 Lake Avenue, Spencer, MA**

Tom Kennedy presented. The project is to repair the retaining wall. Ms. Washburn inspected on July 19<sup>th</sup>. Mr. Kennedy said he is repairing the bottom two feet of the existing retaining wall. The water is still approximately 10 to 15 feet out. Ms. Emerson read the inspection report. Mr. Kennedy said he is going to fill the hole from the existing drain pipe. Ms. Emerson asked how he is repairing the bottom of the wall. Mr. Kennedy said he is going to stuff the wall with cement and once it hardens the wall won't move. He is just filling holes. He will start the job as soon as he has permission. Ms. Washburn said there is an existing boom already there from current work.

*A motion to close the public meeting (Graeff/Bouley) passed 4/0.*

*A motion for a Negative Determination (Graeff/Snow) passed 4/0.*

**7:45 p.m. Opened the Public Hearing for Notice of Intent for William Klansek**

**Property: Lot 1, Valley View Drive, Spencer, MA DEP#293-0909**

At the request of the applicant, the hearing has been continued to August 23, 2017.

**7:45 p.m. Opened the Public Hearing for Notice of Intent for William Klansek**

**Property: Lot 2, Valley View Drive, Spencer, MA DEP#293-0908**

At the request of the applicant, the hearing has been continued to August 23, 2017.

**7:45 p.m. Opened the Public Hearing for Notice of Intent for William Klansek**

**Property: Lot 3, Valley View Drive, Spencer, MA DEP#293-0910**

At the request of the applicant, the hearing has been continued to August 23, 2017.

**7:47 p.m. Opened the Public Hearing for Notice of Intent for Andrzej Sobiech**

**Property: 73 Wilson Avenue, Spencer, MA DEP#293-0906**

Mike Maroney presented the project. A deteriorated retaining wall will be replaced with large blocks and an existing deck needs to be rebuilt and extended. Six additional sonotubes will be dug by hand for the deck. No on-site stockpiling will take place. Hay bales and silt fence will be installed. The septic system has already been replaced. The retaining wall on the Bank was already repaired. Ms. Emerson read the inspection report from August 2<sup>nd</sup>.

*A motion to close the public hearing (Snow/Bouley) passed 4/0.*

*A motion to accept the plan as submitted (Snow/Bouley) passed 4/0.*

## **Other Business:**

**136 Paxton Road:** Ms. Washburn said the Commission did a site visit to an adjacent site and took pictures of this site. There were alterations done near Sugden Reservoir. Ms. McLaughlin asked Ms. Washburn to send a Notice of Violation and ask the owners, Mark and Melissa Peck, to attend tonight's meeting. Ms. Washburn said the Peck's wanted to remove two trees earlier in the year and Ms. Washburn said it was ok to remove the trees but the stumps were to remain. The stumps were pulled out. Mr. Peck said the stumps were pulled out with chains. Mr. Peck said he will file for a permit after the fact. Ms. Washburn was ok with that. Ms. Emerson read the inspection report. Ms. Emerson asked the Pecks what their plans are. Mr. Peck said they will plant grass. The Commission was ok with them planting grass. The Pecks will file an RDA by August 16, 2017.

**Lot 4, Sherry Lane:** The Commission inspected and had no issues at this time. *A motion to issue a Certificate of Compliance (Snow/Bouley) passed 4/0.*  
*A motion to release the storm water bond (Graeff/Snow) passed 4/0.*

**GH Wilson Road, Beaver Dam:** Ms. Washburn said that Michael Spalatro and Thomas Martin were required to be here tonight under the Enforcement Order that was ratified on August 9<sup>th</sup> to decide if they would agree to pay for the culvert impact assessments. Ms. Washburn said they have contested the fines of \$1,100.00 each. The Commission voted to fine them each \$3,300.00. Ms. Washburn fined them less in hopes that they might agree to pay for the culvert impact assessments or environmental impact assessments. DEP has advised requiring them to pay for these items in the Enforcement Orders. Ms. Washburn said we have obtained four culvert assessment estimates but only one environmental impact assessment estimate. Ms. Washburn said court is scheduled for Wednesday, August 16<sup>th</sup> at 8:30 a.m.

Dianne Scanlon asked what happens next. Ms. Washburn said they will go to court and will see what the Judge says. DEP will take over enforcement no matter what happens in court. Malcolm Speicher asked if Fisheries and Wildlife have been contacted. Ms. Washburn regretted that she did not contact them but she will.

**6 Woodbine Terrace:** MaryAnn DiPinto said she was hired by Mr. Hurley as soon as he received the Enforcement Order. She said she was at the site yesterday and took photos. There have been tremendous amounts of rain from flash thunderstorms recently and the site is very stable. She has looked at aerial photos. The Bank was mostly poison ivy and blueberry bushes. She said they are proposing to pull the sand off the Bank and put it behind rocks. The area will be seeded with a wetland mix to stabilize the Bank. The Bank has been flagged. She said the cove is sandy with organic matter on top. Mr. Hurley had pushed that to the side for the kids. *A motion to approve the remediation plan as submitted (Graeff/Snow) passed 4/0.*

**Conservation Meetings:** The Conservation Commission will meet on November 15, 2017 and December 13, 2017. Lisa will put on the website.

**Review of the Bylaw:** Mr. Graeff and Ms. Emerson are willing to be on a sub-committee. Mr. Graeff has a track-changes version of the Bylaw. Mr. Snow said he has a program that will convert a pdf document into a word document. Ms. Washburn will try to get her comments to Mr. Graeff and Ms. Emerson by mid September.

**5 Meadow Road:** Ms. Washburn said she inspected and all work is stabilized. The rest of this project is covered under another Order of Conditions. *A motion to issue a Certificate of Compliance (Snow/Graeff) passed 4/0.*

**68 Chickering Road:** Ms. Washburn said she inspected and took photos. The site is stable. *A motion to issue a Certificate of Compliance (Graeff/Snow) passed 4/0.*

**Conservation packets:** Mr. Snow suggested not printing packets for the Commission since minutes and correspondence are emailed already. The Commission agreed that agendas and Ms. Washburn's reports be printed out for the meeting.

**66 GH Wilson Road:** Ms. Washburn said on August 1<sup>st</sup> she received, reviewed, and rejected as incomplete a Notice of Intent that was filed as per the Enforcement Order issued on April 26, 2017.

**9 & 10 Wilson Avenue:** Ms. Washburn said she inspected on August 1st. There is a new boat launch that was originally built without a permit that was subsequently permitted in an after-the-fact NOI/OofC. The plan shows the boat launch as covered with 4-inches of loam and seeded. The boat launch is currently covered by exposed soils and there is an erosion problem. The silt fence across the road in front of the new house under construction is not in good repair and is much shorter in length than what is shown on the plan. More silt fence needs to be installed near Wilson Avenue. There is a section of silt fence near the corner of the new foundation that has been undermined by excavation. The hay bales were never installed between the house and the stream as shown on the plan, only silt fence was installed. Hay bales need to be installed. Ms. Washburn called and spoke to Mr. Joyce on August 1st about these issues. He said he would contact Jason Dubois. Mr. Dubois told Ms. Washburn that he installed wattles instead of hay bales near the stream, and that there is no point in adding silt fence as shown on the plan because of vehicles entering and exiting the site. Mr. Dubois said he has no control over the boat launch erosion problem. Ms. Washburn will request that John Joyce and Dr. Maloney attend the next meeting.

**Site Inspections:** The Commission will do site inspections on August 19<sup>th</sup> at 9 a.m. and on August 22<sup>nd</sup> at 9:30 a.m.

New Applications:    13 Condon Drive, RDA  
                             15 Wilson Avenue, RDA  
                             26 Point Eastalee, RDA  
                             Chickering Road, NOI  
                             51 Chickering Road, RDA  
                             Holmes Street, Amendment  
                             Paxton Road, Amendment  
                             Woodchuck Lane, Amendment

*A motion to adjourn the meeting at 9:14 p.m. (Graeff/Snow) passed 4/0.*

Respectfully submitted by:

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Lisa Daoust, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 8/9/17 Spencer Conservation Commission meeting:

Margaret's report dated 8/9/17  
Minutes from the 7/12/17 CC meeting  
NOI file for 155 Mechanic Street  
Continuance form for 93 & 97 Hastings Road (signed)  
Continuance form for 30 GH Wilson Road (signed)  
RDA file for 13 Lake Avenue, including Negative Determination (signed)  
Continuance form for Lots 1-3 Valley View Drive (signed)  
NOI file for 73 Wilson Avenue  
Remediation plan for 6 Woodbine Terrace, prepared by Three Oaks Environmental (approved)  
Complaint file for 136 Paxton Road  
CofC for 5 Meadow Road (signed)  
CofC for Lot 4 Sherry Lane (signed)  
CofC for 68 Chickering Road (signed)