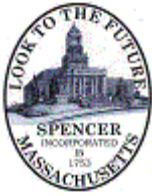


# Conservation Commission – Town of Spencer

## *Minutes*



Conservation Commission Meeting  
Wednesday, July 10, 2019 at 7:00 PM  
Town Hall, McCourt Social Hall

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The Meeting was opened at 7 p.m.

Commissioners Present: Charlie Bellemer, Margaret Emerson, Mary McLaughlin  
(arrived 7:47 p.m.) Robert Perry, Warren Snow

Commissioners Absent:

Staff present: George Russell, Jane Green  
Staff absent:

**Minutes Approved:** June 12, 2019

**Signed:**

**7:15 p.m. Opened the Public Hearing for the Notice of Intent for Robert Giggey  
Property: 135 Wilson Avenue, Spencer, MA DEP#293-\*\*\*\* No file no. has been  
issued.**

Jason Dubois presented the plans. The plan had the wrong date on it. The Commission asked Mr. Dubois to correct the date. Mr. Dubois explained the plans are to put in a garage addition and replace an existing wall. They will re-do the stairs with granite steps. Ms. Emerson said that Mr. Giggey wanted the shed removed, but his son doesn't want it removed. The Commission reviewed the plans and discussed them. Mr. Snow wanted to know when the work was going to start. Mr. Bellemer suggested to wait for the drawdown. The Commission would like a condition to notify the Commission if they start before September 10<sup>th</sup> and maintain communication with the Lake Association. The plans need to be revised with the correct address.

*At the request of the applicant, the hearing has been continued to July 24, 2019.*

**7:29 p.m. Opened the Public Hearing for the Notice of Intent for Matthew Klansek Property: 9 Point Eastalee Drive, Spencer, MA DEP#293-\*\*\*\*No file no. has been issued.**

Matt Klansek is present along with Jason Dubois. Matt explained that he bought the house in an as-is condition. When he bought it, the Title 5 was done and passed. He thought he had a passing system. The construction of the new house and deck was going to rest on top of the septic tank that was already there. He had to move that tank to another location. He took out the old tank and put in the new tank. The new tank is still away from the 100-ft buffer zone. When they were ready to tie into the new system the cesspool failed. Therefore, they could not tie it into the new system. That system needed to come out, which didn't get picked up on the Title 5. Mr. Dubois reviewed the plans. Ms. Emerson stated the silt fence and hay bales were failing. Mr. Dubois said they would replace them. Mr. Dubois showed where the proposed septic system would be located. Mr. Klansek wanted to know if he could proceed once he receives the DEP number. Mr. Russell said that when he went to inspect, the erosion controls failed. Mr. Russell would like them to replace the erosion controls. Mr. Snow would like them to provide an updated drawing.

*At the request of the applicant, the hearing has been continued to July 24, 2019.*

**7:38 p.m. Opened the Public Hearing for the Request for Determination of Applicability for Peter Floss Property: 30 Roy's Drive, Spencer, MA**

Barbara Floss was present for the meeting. The plan is to replace an existing walkway. Ms. Emerson and Mr. Bellemer went out for an inspection. They would like a sketch of the work to be done. They wanted to know which deck the project was near. Ms. Floss said the work to be done would be near the front deck. Ms. Emerson said they would like to see the erosion controls that are to be used. The Commission would like the plans to show the closest distance from the work to the water.

*At the request of the applicant, the hearing has been continued to July 24, 2019.*

**Other Business:**

**East Charlton Road:** James Jenese – Enforcement Order. No one was present for the EO. Ms. Emerson explained to Mr. Russell the issues with this site. Work continued even though an Enforcement Order was issued. Mr. Russell suggested to start issuing fines and pursue a temporary injunction with the Town Attorney. Mr. Russell also suggested to have a meeting with the DEP to get their assistance. Mr. Bellemer said that the forestry professional would help too. Mr. Russell is going to work on getting this resolved.

**Washburn Terrace:** Culvert replacement. No one was present for the Culvert replacement.

**27 Holmes Street:** Stormwater Swale Bond. Ms. Emerson read two inspection reports. Mr. Snow stated that it has not grown in yet and is not stabilized. Mr. Bellemer said that it is very steeply pitched. They need to work on erosion controls. Mr. Russell wanted to know if the Stormwater Bond will cover the front detention basins. The detention basins need work. There are all kinds of vegetation growing in the riprap and there is sediment in the front basin. The Commission discussed using part of the bond to get the work done. Mr. Russell will generate correspondence and request an Engineering estimate. Mr. Russell will let the applicant know that the Commission will release some of the bond but not all of it, until the work is complete.

*A motion to have Mr. Russell provide correspondence and release a percentage of the funds, in a requisite amount, to the remaining engineering work that needs to be done. (Bellemer/Snow) passed 4/0.*

**25 Kingsbury Rd:** Warren Snow recused himself from the discussion. Franny White was present for this discussion. The Commission discussed their observations. Mr. Bellemer suggested moving the boulder. The Commission suggested re-seeding grass on the downhill side. Mr. White will discuss the plan with Mr. Pilling, the owner of the property.

**102 Chickering Road:** Stormwater Swale Bond. The homeowner called Matt Schold after the grass was cut twice. Mr. Schold went out to the site and observed it himself. He saw some erosion on the slope. He proposes a different landscaping solution. They will put down some more plants and mulch. He will replace the silt fence and hay at the bottom. They seeded the waterfront twice; they will seed it again. Mr. Schold will call the office when everything is done.

**44 Sherman Grove:** Roseanne and Robert Wiedeman attended the meeting. They had called the office, a few weeks ago, to get advice on erosion problems that they have had for years. The Commission had recommended waiting until the new conservation agent started. Ms. Wiedeman went over the history of the erosion problems with the Commission. The road they live on is a private road. Mr. Russell recommended the Commission not take a role in this discussion in terms of solutions. It could open claims of prejudice. Mr. Russell recommends an Attorney because there could be grounds for unreasonable run-off of drainage, that the courts could support. He recommends a Hold Harmless Agreement be obtained by the Wiedeman's. The Commission suggested filing a complaint with the Commission. There was discussion about the swale. The Commission recommends legal counsel with a Land Use Attorney.

**Enforcement Policy/Agenda:** George Russell presented the Commission with an Enforcement Policy that he has used in the past. He would like to use this again with the Spencer Conservation Commission. Mr. Russell asked the Commission if he may change the way the Agenda is formatted. The Commission agreed to the Enforcement Policy and the new Agenda format.

**17 South Spencer Road:** Mr. Russell received a letter regarding CESSWI. There was discussion about this from Mr. Russell. This was in regards to the three conditions on the permit.

**19 Woodchuck Lane:** Mr. Bellemer and Ms. Emerson stated that the erosion and stabilization looked good. Mr. Bellemer said they planted clover and he wanted to know if it is good for stabilization. It is good for short term stabilization. Mr. Russell said the best thing is jute matting with hydroseeding.

New Applications: 15 West Ave, RDA  
190 Northwest Road, NOI  
37 Lakeshore Drive, NOI

*A motion to adjourn the meeting at 8:58 p.m. (Snow/Perry) passed 5/0.*

Respectfully submitted by:

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Jane Green, Senior Clerk  
Development & Inspectional Services

Documents reviewed at the 7/10/19 Spencer Conservation  
Commission Meeting:

Agenda for the 7/10/19 meeting

Minutes from the 6/26/19 meeting

Policy on Expired Permits

Letter from Ecotec regarding 86 Wilson Street

Letter from John Winslow regarding 27 Holmes Street requesting SW Swale  
Bond of \$6,834.00.

Email from Todd Girard about Wetland Delineation Tours on July 20, 2019  
in Charlton.

Enforcement Policy

Continuance form for 135 Wilson Ave

Continuance form for 9 Point Eastalee

Continuance form for 30 Roy's Drive