

Approved: 05/25/17

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**TOWN OF WINCHENDON  
CONSERVATION COMMISSION MEETING MINUTES  
THURSDAY, APRIL 27, 2017 7 P.M.  
Town Hall, 4<sup>th</sup> Floor Conference Room  
109 Front Street, Winchendon, Mass.**

**Present:**

Garrett Davieau, Chairman

Lionel Cloutier, Vice Chairman

Tony George, Member

David Koontz, Conservation Agent

Debra Dennis, Recording Secretary

**Absent:**

David Whitaker

Kyle Bradley, Member

The meeting was called to order by Chairman Davieau at 7:03 p.m.

- **Bills-** A motion was made by Lionel Cloutier to approve payment of \$75.00 to the Recording Secretary; Tony George seconded.  
DAVIEAU (Y)      CLOUTIER(Y)      GEORGE(Y)
- Extensions to Order of Conditions 345-0543, 345-0544, 345-0545-(35, 51 and 30 Madison Avenue, resp.)- David Koontz said this is three lots with order of conditions. They are requesting a three year extension for the three lots. Tony George motioned to approve the three year extension; Lionel Cloutier seconded.  
DAVIEAU (Y)      CLOUTIER(Y)      GEORGE(Y)

**Request for Determination of Applicability: Applicant Estate of Robert Van Dyke-166 Bayberry Circle & 608 Brown Street-**Chairman Davieau read the public meeting notice. David Koontz said this hearing has to be continued. Paul Grasiwicz said there is an old they have to remove the septic tank. The house is outside the buffer but the tank is on the wetland side. David Koontz said he had expected to see the house torn down already. He met on site with the contractor and verified the house is outside the buffer zone. **Lionel Cloutier motion to continue the public hearing; Tony George seconded.**  
DAVIEAU (Y)      CLOUTIER(Y)      GEORGE(Y)

**Request for Determination of Applicability: Applicant William Schmick 44 West Shore Drive-**Chairman Davieau read the public meeting notice. Edward Barry representing the applicant came forward. He said the lot is a grandfathered lot. It is a pre-existing non-conforming lot. He said they are proposing building a home on the property. He said the house will have a three car garage. He said he is requesting whether the Commission would consider relief from the town's setback of seventy five feet. Chairman Davieau asked David Koontz if by going with a two car garage compliance could be met. Mr. Schmick said yes. Tony George said he would like to see them go to the Zoning Board for a waiver. **Lionel Cloutier motioned for a positive determination; Tony George seconded.**  
DAVIEAU (Y)      CLOUTIER(Y)      GEORGE(Y)

**Request for Determination of Applicability: Applicant Bryan Day 35 Island Road-**Chairman Davieau read the public meeting notice. Paul Grasiwicz came forward for the applicant. He said they are replacing their septic system with a new one. It has been approved by the Board of Health. David Koontz said it satisfies all the

requirements for a negative determination. **Lionel Cloutier motioned for a negative determination; Tony George seconded.**

**DAVIEAU (Y) CLOUTIER(Y) GEORGE(Y)**

**Request for Determination of Applicability: Applicant Paula A. Whitaker 86 Elmwood Road**-Chairman Davieau read the public meeting notice. Paul Grasiewicz representing the applicant said this is for a septic system upgrade since their septic failed. This is a new system hugging the west lot line. The area is as far as they could go from the wetland. David Koontz said given the grading he would like to see hay bales. He said it satisfies for a negative determination. **Lionel Cloutier motioned for a negative determination; Tony George seconded.**

**DAVIEAU (Y) CLOUTIER(Y) GEORGE(Y)**

**Notice of Intent: Applicant Jamison Vandyke Gardner Road**-Paul Grasiewicz representing the applicant said he wanted to give the board an update. He said he sent the plans to Fisheries and Wildlife and received a letter stating the project wouldn't affect any wildlife. David Koontz said he received a review letter from Tighe & Bond and they don't have any issues. He said it is his understanding from Tracey Murphy the Planning Board is sending the plans concerning the acceleration lane to the state for review. He said they might require design revisions. Paul Grasiewicz said he would like to keep the notice of intent open until they hear back from them. David Koontz said it could be a few months. **Tony George motioned to continue until the next meeting; Lionel Cloutier seconded.**

**DAVIEAU (Y) CLOUTIER (Y) GEORGE (Y)**

**Notice of Intent: Applicant Town of Winchendon Department of Public Works Lake Monomonac**-David Koontz said the Commission previously voted to authorize the three foot drawdown requested. The Commission wanted him to ask town counsel their opinion on town liability and he hadn't received a reply yet. The Commission has enough technical information to close the hearing. Tony George asked if they close the hearing with the provision and if they receive information from town counsel they can reopen it. David Koontz said you can make that motion but if the hearing is reopened then all the abutters have to be notified again. He said you could have the conditions issued in accordance with DEP findings. The drawdown starts on November 1<sup>st</sup> but the association has requested an early drawdown that has been approved. The Commission needs to give Al Gallant permission for the drawdown. He would have discretion to address the drawdown. The Commission members discussed their concerns about Brandy Wine. David Koontz said there has been a lien place on the property. Chairman Davieau said it is reasonable to let the drawdown start on October 15<sup>th</sup> as long as DEP is ok with it.

**Lionel Cloutier motioned to close the hearing; Tony George seconded.**

**DAVIEAU (Y) CLOUTIER (Y) GEORGE (Y)**

**Lionel Cloutier motioned to issue order of conditions to include the conditions that were discussed; Tony George seconded.**

**DAVIEAU (Y) CLOUTIER (Y) GEORGE (Y)**

#### **New Business:**

- **Discussion – Brian Bisson, Bold Look Design & Construction, LLC Request for waiver to 75 foot no build setback at 728 River Street**-Mr. Brian Bisson came forward. He said he wants to construct a sunroom over the existing deck. He said he would use the existing foundation but would require two more footings. The deck would be 8x16. The deck would be within the 75foot no build setback. David Koontz said there are ways the potential impact to the wetlands can be dealt with. The Commission could request restriction on a section of land in return for the 75 foot exclusion. Brian Bisson said it might make sense for a new plot plan once the building is erected. Chairman Davieau said typically there is a revised plan done by an engineer. David Koontz said it doesn't have to be the whole property that gets restricted. It does become a permanent condition. There would have to be a filing. Chairman Davieau said to come back with some formal drawings. He said we have to be equal to how we give variances to everyone. David Koontz said it needs to be an RDA.

- **Discussion-Josefa Faria Violation (tree cutting) at 15 Krantz Road-**Ms. Josefa Faria came forward. She said she is asking permission to cut trees that are dangerous to her and her property. She said she doesn't have the money to take the trees down herself so she had a person cut them but he wanted to cut a certain amount. She said she knew she needed to get approval. She said when you came down you told her she couldn't cut any more trees down. She said she is requesting to be allowed to get rid of trees that if they fall they could hurt them. Chairman Davieau said logging isn't usually done when it isn't cold. The ground cannot support the machinery. Ms. Faria said when the trees fell she called the logger which was two months ago. Lionel Cloutier said he observed a green skidder on the main street. He noticed all the trees that were cut down. He told the owner that they couldn't continue cutting trees and that they needed to contact Conservation. Tony George said there was miscommunication with the homeowner and David Koontz. He recommended to put it on paper. He said the logger destroyed the property and went into the brook. David Koontz said he needs a notice of intent filed for cutting and clean up. Chairman Davieau informed the owner that there is to be no more machinery in there and no more cutting of trees. David Koontz told the owner that they will need to hire a consultant to show restoration. He said the Commission needs a timeline. Ms. Faria said she can do it slowly. Chairman Davieau said erosion needs to be stopped before it works its way into the brook. The ruts need to be addressed. He said if the brook gets clogged up it is your responsibility as the property owner. The consultant will help you flag and do a restoration plan. David Koontz said have the consultant come up with some ideas to deal with the erosion and where to put the hay bales. He said you will also need to work on the notice of intent. Ms. Faria asked if they could put the hay bales themselves. David Koontz said he would come out and let them know where they have to be and how they have to be staked down. He said they don't need an enforcement order.
- Tomy Pace 5 Krantz Road came forward and informed the Commission that he wants to take down three trees. He asked if a professional tree cutter had to be used. He said he would have someone climb the trees and cut them from the top. David Koontz said he met on sight to make sure there is no potential issues with the wetland. Tony George said he agreed with David there is minimal impact. David Koontz said he would go out and flag the trees. Chairman Davieau said if we need a paper trail then we need a filing. David Koontz said there will be a form that will be filed. He said there will be a public meeting at the next Commission meeting. He said he would forward the form to Mr. Pace.

#### **OLD BUSINESS:**

- **Joint hearing with Board of Selectmen on establishment of wetland bylaw filing fees scheduled for May 22nd-**David Koontz informed the Commission a joint meeting is scheduled with the Board of Selectmen to discuss establishment of wetland bylaw filing fees.
- David Koontz said there will be a notice of intent next month concerning a Solar Array on Happy Hollow Road. He said its minimal impact. He asked if any of the members wanted to do a site visit. Tony George said he would if it's staked out.

**ADJOURNMENT:** A motion was made by Tony George to adjourn the meeting; Lionel Cloutier seconded.  
DAVIEAU (Y) CLOUTIER(Y) GEORGE(Y)

**The meeting was adjourned at 8:53 p.m.**

Respectfully Submitted;

Debra A. Dennis  
Recording Secretary

