

TOWN OF WINCHENDON

Conservation Commission



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WINCHENDON TOWN CLERK
RCUD JAN 26 2021 PM1:44

Regular Meeting/Public Hearing Minutes

September 10, 2020

Via Zoom conference call

Meeting ID: 973 5710 1181

Passcode: 6808881

PRESENT: Chairman Kyle Bradley, Vice-Chairman David Whitaker, Melissa Blanchard, Ken Wante, Alison Manugian (Conservation Agent), members of the public & applicants

MATERIALS: Agenda & Notice of Meeting: September 10, 2020

Informational Packet presented to Commissioners for review in advance

CALL TO ORDER: Chairman Kyle Bradley called the meeting to order at 6:00PM

MINUTES: Minutes of 8/13/2020 were approved unanimously via roll call vote following a motion by D. Whitaker that was seconded by M. Blanchard.

ANNOUNCEMENTS: NONE

BUSINESS:

The members present briefly discussed organization of the Commission. **M. Blanchard made a motion that Kyle Bradley continue as Chair and that David Whitaker continue as Vice-Chair. D. Whitaker seconded the motion and all voted aye via roll call vote.**

Planning Agent provided an update on the status of the enforcement order open on 385 Glenallen Street. Per conversation with Richard Jameson's Attorney – Keith Glenny they are working with design professionals and need additional time to present a restoration proposal.

Notice of Intent Hearing (Continuation)

- Applicant: Matthew Olson Representative: Mark Popham
- Project Address: Lot 2 – Mill Glen Road; Assessor's Map 10, Parcel 66
- Description: New single family home with septic system, well, driveway and associated work.

The hearing was reopened and the Agent summarized the plans.

Mark Popham, Engineer and Representative for the owner reviewed that only 40' at the road edge of the lot is outside of the Riverfront Area. The lot was created in 1988, prior to enactment of the Riverfront Protection Act. Given the need to comply with Board of Health and Zoning requirements it will be impossible to build without incursion into the Riverfront Area. The proposed design optimizes development. The driveway utilizes a previously cleared site entry area and the house meets the zoning setbacks. The testing locations for the septic and well were determined to be

optimal and maintain a 100' setback to the river. The soils in this location allow for the smallest septic leach bed and hence minimal horizontal site disturbance.

D. Whitaker visited the site earlier today and suggested this is a nearly unbuildable lot with a very very challenging project. He agreed with DEP's suggestion to move the leach field up adjacent to the home rather than to the rear.

M. Popham declared that there is a pending Purchase and Sale agreement and that the Board of Health has approved the septic and well locations and design.

Agent reminded the Commission that Board of Health approval of this proposal does not indicate that there are no other viable alternatives.

K. Bradley asked about moving the septic system.

M. Popham responded that this is the equivalent to starting over again. A pumped system may be needed and the grading would need to be reviewed. This location has the least area of horizontal impact without a pumped system. Changing the septic would drive need to alter the well location and change the driveway layout.

D. Whitaker inquired if there is a retaining wall around the leachfield.

M. Popham responded that there is not – an HDPE membrane is sufficient and work is outside of the 100' buffer.

D. Whitaker indicated that if the Commission does approve this project double erosion controls should be a condition. He prefers to ask the engineer to review and redesign to meet the DEP recommendations and locate the septic system next to the home, further from the river.

M. Blanchard and K. Wante indicated agreement with D. Whitaker's preference.

D. Whitaker motioned to continue this hearing to 6:05pm on October 8th. M. Blanchard seconded the motion and all present voted in favor via roll call vote.

Notice of Intent Hearings

DEP 345-0698 & 345-0699

- Applicant: Jamison VanDyke Representative: Paul Grasewicz of Graz Engineering
- Project Address: 49 & 69 Kemp Street; Assessor's Map 5BI, Parcels 37, 38 & 39
- Description: Each parcel shall be a separate project with construction of a new single family home, well, septic system and associated grading and landscaping. These projects were largely described at recent meetings. Due to hearing quorum issues the original projects have been resubmitted.

D. Whitaker read the public hearing notice and then recused himself as owner of the properties.

The hearings were opened.

P. Grasewicz reviewed the background – originally three lots were anticipated, the wetland locations only allow for two lots. The current plans show updated drainage intents, with shallow infiltration and the limit of work contains less than 40,000sf.

M. Blanchard stated she has no issues on these projects.

M. Blanchard motioned to close the hearing for 49 Kemp Street. K. Wante seconded and all voted aye via roll call.

M. Blanchard motioned to issue the Order of Conditions with standard conditions for 49 Kemp Street. K. Wante seconded and all voted aye via roll call.

M. Blanchard motioned to close the hearing for 69 Kemp Street. K. Wante seconded and all voted aye via roll call.

M. Blanchard motioned to issue the Order of Conditions with standard conditions for 69 Kemp Street. K. Wante seconded and all voted aye via roll call.

Notice of Intent Hearing (Continuation)

DEP 345-0689

- Applicant: Chris and Lauren McNamara
- Project Address: 85 Beachview Drive; Assessor's Map 10, Parcel 53
- Description: Addition of a farmer's porch on the front of the home, expansion of the screened porch lakeside and expansion of the roof overhangs.

Agent notified the Commission that the McNamaras have requested a continuation.

D. Whitaker motioned to continue this hearing to 6:10pm on October 8th. M. Blanchard seconded the motion and all present voted in favor via roll call vote.

Notice of Intent Hearing (Continuation)

DEP 345-0692

- Applicant: Ecos Energy, LLC
- Project Address: Spring Street; Assessor's Map 9, Parcels 97 & 98
- Description: Construction of a 9MW ground mounted solar array including work in wetland buffers and wetland crossings.

Agent notified the Commission that the applicant is working with the peer review engineer and has requested a continuation.

D. Whitaker motioned to continue this hearing to 6:15pm on October 8th. M. Blanchard seconded the motion and all present voted in favor via roll call vote.

Enforcement Order endorsement – 386 Beachview Drive – Chad & Cheryl LeBlanc

Agent provided an update on the status of the violation at 386 Beachview Drive. The pending appeal of the Commission's RDA decision has been withdrawn. In discussion with Denise Child, DEP Wetlands Section Chief A. Manugian learned that an enforcement order calling for restoration (such as the situation here where vegetation was removed in the buffer) can be resolved by the Agent without need for a Notice of Intent filing. In conjunction with this process I rendered an enforcement order to Chad and Cheryl LeBlanc for vegetation removal at 386 Beachview Drive.

D. Whitaker motioned to approve the Agent issued Enforcement Order. M. Blanchard seconded the motion and all present voted in favor via roll call vote.

Notice of Intent Hearing (Continuation)

DEP 345-0696

- Applicant: Joanne Moreau
- Project Address: 106 Lakeview Drive; Assessor's Map 10, Parcel 35
- Description: Rebuild existing deck extending 6' toward lake (59' off water) and 4' on each end on new footings.

K. Bradley indicated he has no issues with this proposal. The existing situation is already within the 75' buffer and the proposed project remains more than 50' from the lake edge.

D. Whitaker, M. Blanchard and K. Wante all agreed.

D. Whitaker motioned to close the hearing; M. Blanchard seconded the motion and all present voted in favor via roll call vote.

D. Whitaker motioned issue an Order of Conditions with the standard Commission conditions; M. Blanchard seconded the motion and all present voted in favor via roll call vote.

Notice of Intent Hearing (Continuation)

DEP 345-0701

- Applicant: Earl Haight
- Project Address: 96 Monomonac Road East; Assessor's Map 8, Parcel 14
- Description: Trimming/ removal of trees in the buffer and reconstruction of hardscaped area.

The applicant outlined the two activities that are part of the proposed project:

1. Removal of two oak trees and a pine tree and removal of branches on the roof. The oaks are conjoined and the crotch is failing per two tree services. The pine tree is also not healthy.
2. Replacement and renovation of the existing hardscaped area – the patio area is currently dirt, which makes chairs unsteady. The retaining walls are falling down and unsafe. The proposed walls will be dry stacked and the hardscaping will remedy the erosion currently going on.

D. Whitaker didn't visit the site, but sees no issues with the proposed work given the description.

M. Blanchard visited the site and saw the trees; she supports the proposal.

K. Wante inquired about the shortest distance from the lake to the wall.

E. Haight responded that the trees are almost at 100' and the hardscaping is approximately 75' off the water's edge.

Upon inquiry the Agent indicated that she has no concerns with the proposed work.

D. Whitaker motioned to close the hearing; M. Blanchard seconded the motion and all present voted in favor via roll call vote.

D. Whitaker motioned issue an Order of Conditions with the standard Commission conditions; M. Blanchard seconded the motion and all present voted in favor via roll call vote.

Notice of Intent Hearing

DEP 345-0702

- Applicant: Julie Anne Osborne Representative: Warren Field
- Project Address: 356 Lakeview Drive; Assessor's Map 15, Parcel 8
- Description: Paving of driveway, paver walk from deck to beach and shed construction.

Agent notified the Commission that a DEP number has been assigned so this hearing can be closed and a decision rendered if desired.

Brief discussion ensued regarding the shed location, the 50' water setback, a potential underground propane tank and existing pine tree.

K. Wante questioned the need for permissions as there was a shed in that location previously.

Agent responded that the shed in that location wasn't properly permitted and it's removal removed the existing non-conformance so permissions are now required.

D. Whitaker motioned to close the hearing; K Wante seconded the motion and all present voted in favor via roll call vote.

D. Whitaker motioned issue an Order of Conditions with the standard Commission conditions; K. Wante seconded the motion and all present voted in favor via roll call vote.

Notice of Intent Hearings

DEP 345-0700 Road/ DEP 345-0691 House

- Applicant: Dan Paramenter Representative: MaryAnn DiPinto
- Project Address: 49A Washington Ave Extension; Assessor's Map 5A-3, Parcel 360
- Description: Creation of new access road for residential use including work in wetland buffer, wetland crossing & wetland replication. Applicant has also filed an application for a two family home to be constructed off of this roadway following construction and Planning Board endorsement of an ANR application. As there is currently no lot, this application hearing can not be closed, but the applicant would like to discuss both pieces of the proposed project to ensure viability prior to roadway construction.

D. Whitaker read the posting and the hearings were opened

Agent explained that there are two separate hearings, one on the roadway/driveway which can be acted on in the near future, and a second that requires Planning Board action. Once the driveway is created the proposed lot will have access and an ANR endorsement is likely. With the creation of that lot the hearing for the duplex can be reopened for consideration. The applicant would like to discuss the entire project to prevent costly construction of a driveway if the proposed duplex is unlikely to be approved.

M. DiPinto walked through the wetland and replication plan area proposed as part of the driveway portion of the project.

D. Whitaker indicated that he has no real concerns and that the replication proposed is fine.

<M. Blanchard was temporarily disconnected from the zoom meeting by internet difficulties and recused herself from voting on this hearing>

K. Bradley outlined the wetland replication process and intent following inquiry from K. Wante.

Brief discussion of the proposed duplex ensued – the lot will be served by town water and sewer. No Commission members anticipate an inability to approve residential construction on the proposed lot.

D. Whitaker motioned to close the hearing on the driveway; M. Blanchard seconded the motion and all present voted in favor via roll call vote.

D. Whitaker motioned issue an Order of Conditions with the standard Commission conditions for the driveway construction; M. Blanchard seconded the motion and all present voted in favor via roll call vote.

D. Whitaker motioned to continue the duplex construction hearing until such time as the Planning Board endorses and ANR creating the lot. M. Blanchard seconded the motion and all present voted in favor via roll call vote.

Request for Determination of Applicability Hearing

- Applicant: Brielle Bailey
- Project Address: 4 Cummings Road; Assessor's Map 8, Parcel 186
- Description: Construction of two car garage w/ finished space over in the ex.driveway footprint.

Agent gave a summary of the lot and proposed work. The garage and space above need to be sited as shown for connectivity with the existing home. The wetlands present are uphill from the proposed garage site, on an adjacent parcel. They are approximately 70' from the proposed garage and separated by a stone wall.

After brief discussion D. Whitaker motioned to close the hearing; M. Blanchard seconded the motion and all present voted in favor via roll call vote.

D. Whitaker motioned issue an Negative Determination; M. Blanchard seconded the motion and all present voted in favor via roll call vote.

Agent explained what a Negative Determination means for the applicant.

Request to Extend Order of Conditions

DEP – 345-0633

- Town of Winchendon DPW
- Project Address: Lake Monomonac Outlet
- Description: Existing Order allows for annual drawdown of Lake Monomonac to allow for protection of docks, permitted projects and to reduce invasive weed presence. Existing order was issued in May of 2017 for a three year period. Renewal request was received several months ago and held for recording of original decision.

Agent summarized project and stated that no conditions will be changed, this is a request to extend the permission dates only.

Brief discussion ensued with D. Whitaker and K. Wante indicating no concerns.

D. Whitaker motioned to extend the Order of Conditions as previously issued with a new expiration date of 7/26/2023; K. Wante seconded the motion and all present voted in favor via roll call vote.

A motion to adjourn the meeting was made by D. Whitaker and seconded by K. Wante. All voted aye via roll call at 7:09pm.

Respectfully submitted,



Alison Manugian – Conservation Agent