

Date Approved: 09/07/17

**CONSERVATION COMMISSION MINUTES  
4<sup>TH</sup> FLOOR CONFERENCE ROOM  
7/27/17**

**Present:** Garrett Davieau, David Whitaker, Tony George, David Koonce and Kyle Bradley (arrived 7:09)

**Absent:** Lionel Cloutier

**DOCUMENTS & EXHIBITS**

26 Hale St. - plans

160 West St. - plans

465 Mellen Rd. - plans

**CALLED TO ORDER**

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

**NEW BUSINESS**

Tony George made a motion, 2<sup>nd</sup> by David Whitaker - **vote** unanimously approved to pay the secretary.

David Whitaker made a motion, 2<sup>nd</sup> by Tony George - **vote** unanimously approved the minutes of July 13, 2017.

Agent Koonce was contacted by an engineer representing the Solar Rays Company requesting to cross wetlands for soil testing by Royalston Rd. North and West St. David read an e-mail from the company. No trees need to come down. He does not have any concerns.

**HEARING:**

**7:05 p.m. RDA, 26 Hale St. Melissa Peragallo, Clear Cutting Forestland  
The applicant, Melissa Peragallo was present with her dad.**

The project entails the clear-cutting of existing forestland followed by removal of stumps to create pastureland for a proposed small horse farm. The work does not cross wetlands, but there is a concern it encroaches on wetlands. The logging company will use a sheer to do the cutting. No trees will be cut. Agent Koonce will add that to the Order of Conditions. A wetland expert did the flagging and soil testing. They would be no closer to the 50' except in one area. They are requesting a waiver for the 50' setback in this one area. They are looking for a permanent way to access the area for horses. The applicant stated she will have 6 horses maximum in the set fields. Tony George asked how the wetland is being protected. Agent Koonce asked for a plan showing her intent. Garriett Davieau suggested a note on the deed for any future conveyance stating the area has to be maintained. The crossing size needs to stay the same 8'. Agent Koonce asks the applicant to draft language for a waiver to include a permanent fixed rail fence. The following needs to be done prior to beginning the work:

- Delineate the 50' no disturb set back by staking the area.
  - Give Agent Koonce a call for a site visit to determine the location of the fence post.
- David Whitaker made a motion, 2<sup>nd</sup> by Tony George - **vote** unanimously approved a Negative Determination with Conditions. Chairman Davieau asked for a Roll Call Vote.

Garriett Davieau (Y)          David Whitaker (Y)          Kyle Bradley (Y)          Tony George (Y)

**7:10 p.m. NOI, 160 West St., Robert Matewski, Construction Single-Family house with driveway, deck and shed. The Applicant, Robert Matewski along with John Walker were present.**

(David Whitaker recused himself from the hearing. He is an abutter)

**OLD BUSINESS**

**DISCUSSION: Josea Faria (15 Krantz Rd) Update of status of hiring a consultant for Notice of Intent filing.**

She contacted several consultants with no luck. Tony George stated we could make a list of consultant and forward it to her. Ms. Faria is asking the Commission if she can start cleaning the remaining cut logs from her property. Hay is in place. Agent Koonce has no problem with that. Kyle Bradley, David Whitaker and Tony George stated hand clean-up was fine and we would provide her with a contractor list. Garrett Davieau stated once she gets the list, she needs to hire someone in 2 weeks and contact Agent Koonce with the name of the consultant. She will come in the office to get the list from Agent Koonce on Monday July 31, 2017. David Whitaker reiterated the hand clean up must be put out of the wetlands. Agent Koonce stated removal of cut logs can be done by hand only. Ms. Faria wants this information in writing so she can show the contractor. She must come back before the Commission at our next meet August 24<sup>th</sup> with the consultant.

**DISCUSSION: Armando Sanchez (85 Alger St.) Request for waiver of filing fee under the Town of Winchendon Wetlands Protection Bylaw.**

Mr. Sanchez started building a deck within 50' of the no disturb zone of the wetlands. Mr. Sanchez contacted Agent Koonce. He left a note stating he was unable to attend the June 21 2017 Commission meeting due to a family reunion. Agent Koonce asked Mr. Sanchez to file an After the Fact Filing of an RDA . The filing fee is \$200.00 under the new Bylaw. An after the fact, building permit was filed May 30, 2017. The Selectmen voted for the new filing fees to be in effect June 1, 2017. Tony George stated the stairs to the deck were added after the Cease & Desist Order by the Building Inspector. Mr. Sanchez stated he tried to get a building permit, but we did not have a building inspector at the time. He stated the current building inspector recommended he put the stairs in for an emergency exit. Agent Koonce stated he has filled out and RDA application. It is being questioned do new Bylaw fees apply. Tony George stated when Mr. Sanchez did remodeling to his home he did take out a permit. The deck is within 50' of the wetlands. Garrett Davieau stated there is not enough information to make a decision at this time. He suggests he pay the After the Fact Filing Fee or take out his deck. He will need to come to a hearing for the RDA.

**DISCUSSION: Dean Lepkowski , 53 Belmont Ave., built a shed on blocks 100' from the wetlands.**

Mr. Lepkowski is asking permission to start building. He will file and RDA and come before the Commission at the next meeting. The Commission will allow him to start building and file an RDA. Agent Koonce will do a site visit and stake the area from the wetlands. David Whitaker made a motion, 2<sup>nd</sup> by Tony George - **vote** unanimously approved Mr. Lepkowski to file an RDA and allowing him to start the work pending Agent's Koonce's inspection.

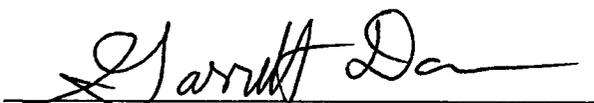
**DEP FORWARDED A COMPLAINT** to Agent Koonce regarding Powel Sand & Gravel. They were being notified of meeting with DEP next Thursday, with the forester, logger and property owner regarding the property off Teel & Beamis Rd. Agent Koonce will attend the meeting.

**ADJOURN**

Kyle Bradley made a motion, 2<sup>nd</sup> by Tony George - **vote** unanimously approved to adjourn. The meeting adjourned at 9:29 p.m.

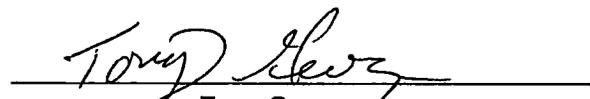
Respectfully Submitted,

Patty Driscoll

  
Garrett Davieau

  
David Whitaker

  
Kyle Bradley

  
Tony George

The project entails the construction of a new 36'x 24' (864 square foot) single-family house with 10' x 10' deck, associated driveway access installation of utilities, and construction of a 12' x 16' (192 square feet) shed.

The applicant made a correction to the size of the house. It should be 24' x 32' and the garage size is 16' x 22' and will not be located under the house. Agent Koonce reviewed the wetland delineation. He concurred with plans. Now he must verify the house corners are 75' from the wetlands as stated in the bylaws. Vegetation may be removed for erosion control. Trees can be cut and removed. The stumps must be left for erosion control. Tony George questions if the driveway is 50' within the no build zone and asks the location of the 10'x 10' deck. The applicant is not going to build a deck. Kyle Bradley had concerns about the shed. Agent Koonce stated the driveway access is off West Street. 75' setback alternations are treated differently. There are provisions in the bylaws that allow crossing to uplands. The applicant is cutting into an existing driveway. Garrett Davieau stated a deed restriction is needed due to a tight property. A separate deed restriction would be filed. Tony George wants clarification of the driveway. Abutter Burt Gould spoke stating he feels the plans need more information. There are 3 homes owners that have water in their basements. There is a 30" drain that is not on the plan. The plans do not show any elevation or wetland area. Mr. Gould stated there is a private sewer line. Agent Koonce will verify with the Department of Public Works. Agent Koonce went out with John Walker and is satisfied with the wetland delineation. The Order of Conditions will state no run off of water will be allowed on other properties. Also when the driveway is plowed there is a concern of the material going into the wetlands. Garrett Davieau suggested boulders should be placed at the end of the driveway. There will not be a shed. Garriett and Kyle will do a site visit. John Walker showed the board a town easement.

Kyle Bradley made a motion, 2<sup>nd</sup> by Tony George - **vote** unanimously approved to close the hearing.

Tony George made a motion, 2<sup>nd</sup> by Kyle Bradley - **vote** unanimously approved a Favorable Order of Condition pending a site visit.

**7:20 p.m. RDA, 155 Fourth St., Carlos Rojas, Construction of a Retaining Wall and Trench  
The Applicant, Carlos Rajas and his wife were present.**

The project entails the construction of a retaining wall, and installation of a French trench, to control erosion. Agent Koonce did a site visit with the applicant. The erosion control is working well. He can proceed to install a drain and construct the retaining wall. Hay bales need to be between the house and the property lines. No run-off drainage to an abutter property. Kyle Bradley was fine with this. David Whitaker needs to check, Tony George is fine with it. Garrett reminded the applicant that it is important to notify the Commission when disturbing the ground so close to the water. Tony George made a motion, 2<sup>nd</sup> by Kyle Bradley - **vote** unanimously approved a Negative Determination. Agent Koonce will do a site visit once the erosion control is in place.

**7:30 p.m. Request for Amendment to Order of Conditions 345-0515 (cont'd), 465 Mellen Rd., Kenneth  
& Sharon MacNeil No one was present.**

The project entails relocation of driveway access to reduce the amount of permanent wetland alteration, and request for waivers to the Town of Winchendon Wetlands Protection Bylaw no-build and no disturb setbacks. John Walker reviewed the wetland line for the Commission. He read his report. He met Engineer Angel Letonen, from Northland Engineering measured the stakes and various points of wetlands. He corrected the number of flags. He walked the wetlands with Ms. Letonen and verified the plans with the revisions of 7/17/17. Some of the flags were not correct, but the wetland boundaries were correct. There is a narrow stream crossing and a reduction for filling at the 2<sup>nd</sup> crossing located in the back of lot 10 to-access lot 9.

Tony George made a motion, 2<sup>nd</sup> by Kyle Bradley - **vote** unanimously approved to close the hearing.

Tony George made a motion, 2<sup>nd</sup> by Kyle Bradley - **vote** unanimously approved to **deny** the amendment to the existing Order of Conditions due to a lack of information.