

APPROVED 11/20/17

**CONSERVATION COMMISSION MINUTES
4TH FLOOR CONFERENCE ROOM
10/26/17**

Present: Lionel Cloutier David Whitaker, Kyle Bradley, Tony George and David Koonce

Absent: Garrett Davieau

DOCUMENTS & EXHIBITS

Spring St. - advertisement fees

44 Sunset Dr. - plans, case law handout

Gardner Rd. - plans

CALL TO ORDER

Kyle Bradley, acting chairman, called the meeting to order at 7 p.m.

NEW BUSINESS

David Whitaker made a motion, 2nd by Tony George - **vote** unanimously approved the minutes of 9/28/17.

David Whitaker made a motion, 2nd by Tony George - **vote** unanimously approved the minutes of 10/2/17.

Lionel Cloutier made a motion, 2nd by David Whitaker - **vote** unanimously approved to pay the secretary for the 9/28/17, 10/2/17 and 10/16/17 meetings.

Lionel Cloutier made a motion, 2nd by David Whitaker - **vote** unanimously approved to sign the Certificate of Compliance (345-063), NEPCO, power line RoW off Tolman Rd.

HEARING

7:05 p.m. RDA, East Winchendon Substation, Spring St., Mass. Electric Co., expansion of fence line
Matthew Kelly, VHB, represented the applicant.

The project entails the expansion of an existing fence line along the driveway, installation of two new concrete foundations to support a new 115kvVA electrical structure, and the installation of approximately 50' linear feet of underground electrical conduits within the existing substation footprint.

The fence will be realigned 10-15' in the existing driveway. The substation will be off line for 2 days. It will use transformers in the substation yard. They will install underground conduit generators & the transformers are doubled walled. Agent Koonce feels good that there will be no spill while filling the generators.

Lionel Cloutier made a motion, 2nd by Tony George - **vote** unanimously approved a Negative Determination.

7:10 p.m. NOI (cont'd), 44 Sunset Dr., Will & Laurel Schmick, construction of new home
Ed Berry, PLS, represented the applicant.

The project entails the construction of a new three bedroom house with attached garage, screen porch, and deck, associated septic system, driveway access, utilities, grading/landscaping, and removable dock with 4 foot wide access walkway.

The driveway has been redesigned to the west side. The septic has been moved North outside of 50' buffer zone. The house has been moved further west. It is now 90' back. The applicant is willing to accept the no tree cutting restriction and no further development without coming before the Commission. They do not agree with a conservation restriction they feel the Order of Conditions is enough. Agent Koonce did a site visit with Ed Berry. There is very little tree growth. There is plenty of room for work to be done. He believes a deed restriction needs be done for a waiver for 75' set back. The applicant feels that would be a monetary loss. They have a concern there could be a future change in policy in the town. Mr. Berry handed out a case law showing a similar situation. Mr. Berry highlighted the points of the case to the Commission. This is a pre-existing non-conforming lot. He feels that his clients have done everything asked of them.

Tony George does not agree with the revised plans. Agent Koonce said erosion control is not shown on the plans. David Whitaker stated there needs to be more than waddles for erosion control. There needs to be hay bales and silt fence. Agent Koonce agreed. The Commission is asking for protection of the wetlands.

Lionel Cloutier made a motion, 2nd by David Whitaker - **vote** unanimously approved to close the hearing.

David Whitaker made a motion, 2nd by Lionel Cloutier - **vote** approved by David Whitaker, Lionel Cloutier and Kyle Bradley. Tony George **voted NO**.

Ed Berry will stake the 50' buffer zone and put in hay bales and silt fence. Agent Koonce will inspect once that is done. Fred Sullivan, an abutter from the Sunset Lake Association agrees with the deed restriction.

7:30 p.m. Amended NOI (cont'd), Gardner Rd., Jamison VanDyke, construction of a new road
Paul Grasewicz, GRAZ Engineering, represented the applicant.

The project entails the construction of a new road and associated drainage infrastructure to serve three proposed industrial lots, installation of utilities, grading, landscaping, and construction of a vehicle acceleration lane by widening the west side of Gardner Road with approximately six (6) additional feet of pavement for approximately 300 feet. Paul Grasewicz stated the paved section would be widened by 4' not 6' as previously stated. The plans show a change to a grass swale with a detention basin. It is fully storm water compliant with DEP. Even though the acceleration lane and the storm management are in the town right of way, the applicant will take care of the maintenance. Tony George does not agree with the intrusion in the 50' no disturb zone. Lionel Cloutier is also concerned about the drainage. Paul Grasewicz stated they treated and lessened the water run-off.

David Whitaker is in favor with the plans.

David Whitaker made a motion, 2nd by Lionel Cloutier - **vote** unanimously approved to close the hearing.

David Whitaker made a motion, 2nd by Tony George - **vote** for a discussion.

Agent Koonce is satisfied with all the requirements. Tony George does not agree. Agent Koonce stated the wetland protection act has a provision that would allow a road to go through a wetland when it is necessary to gain access to a land owners upland on his property as long as the applicant provides for wetland replication. The Winchendon Public Works want the acceleration lane. Agent Koonce stated there is no legal basis for a denial. Acting Chairman, Kyle Bradley asked for a **roll call vote** for a Favorable Order of Conditions: Lionel Cloutier-Yes, David Whitaker-Yes, Kyle Bradley - Yes, Tony George - No.

7:40 p.m. NOI (cont'd), Lincoln Ave., Solar 1 & Solar 2 LLC, construction & maintenance of solar arrays
John Motta and John Perry, Dynamic Energy and Meredith Borenstein, PWS, SWCA
Environmental Consultants represented the applicant.

The project entails the construction, operation, and maintenance of 4.0 mW and 5.0 mW solar arrays off Lincoln Ave. They want to develop 2 solar projects on the land owned by Glen Costic. There are 5 wetland crossings between projects they will be discussing. They are proposing to add fill and build a log bridge at 2 of the existing crossings to improve the crossing permanently the other areas will not be filled but will be build up to the wetland edge. Their proposals are in a letter submitted to Agent Koonce.

They reduced the original project size by 30%. All other areas are respecting the 75' no build zone. As an offer of public benefit to work in the buffer zone and a need to get to the area, a letter was drafted and submitted to the Fire Chief offering a donation of \$7,500 to the Fire Department allowing the purchase of an off road vehicle giving them access to the area. The other public benefit is the pavement of 1400' of the public way road. Since the road is in poor condition they will pay for the labor and materials for the pavement. Lionel Cloutier stated filling of the land area does not affect the wetlands. They are also asking for permission to remove a tree if there is still a need. They would cut and remove it by hand. 5,500 square feet of replication will be done. They are asking for a waiver. A question was asked about land donation. Agent Koonce stated that land donation is not feasible. There is no public access.

Tony George made a motion, 2nd by David Whitaker - **vote** unanimously approved to close the hearing.

Tony George made a motion, 2nd by David Whitaker - **vote** unanimously approved a Favorable Order of Conditions.

NEW BUSINESS

Tony George asked what the cap is for Solar Projects. The solar use is very close to cap. The cap is not geographic, it is 10 mega watts ac, National Grid transmission capacity.

The next meeting date will be Monday, November 20, 2017 due to the holiday.

VanDyke Miller's Run Gift - There is a concern about the construction debris and buried refuse on the property. This is going to the Selectmen for signature next Monday night. Agent Koonce is asking for members of the Commission go to the Selectmen's Meeting. Tony believes the Selectmen will ask the landowner to clean up the area. Lionel Cloutier asked if Agent Koonce can make the pictures he sent him available for the Selectmen's meeting. Tony George is not available to attend. Agent Koonce will e-mail information to the Commission regarding the meeting. A small wetland area was allowed to be filled and the eroding slope has been fixed. David Koonce will check what time it is on the Selectmen's Agenda.

ADJOURNMENT

Tony George made a motion, 2nd by David Whitaker - **vote** unanimously approved to adjourn.

The meeting adjourned at 8:45 p.m.

Respectfully Submitted by

Patty Driscoll Secretary

Kyle Bradley



David Whitaker



Lionel Cloutier



Tony George