

**CONSERVATION COMMISSION MINUTES
4TH FLOOR CONFERENCE RM.
10/27/16**



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

DOCUMENTS & EXHIBITS

Proposed Winchendon Wetlands Protection By-law Filing Fees (draft)
Gardner & Winchendon Landscape Connection Project: Landscape Partnership Grant Cover and Support Letters
Gardner & Winchendon Landscape Connection Project: Map of Richard Galat property - Mellon Rd.
Gardner & Winchendon Landscape Connection Project: Map of Josephine Bianchi property - Gardner Rd.
Conservation Land Tax Credit Application Forms for Galat and Bianchi properties
Winchendon Town Forest history information
11.14.16 Special Town Meeting Warrant Article (draft) for transfer of Town Forest to Conservation Commission

CALL TO ORDER

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

OPEN MEETING

By-Law Fee Schedule

Agent Koonce used the Lancaster Wetlands By-law filing fees format to fit Winchendon. David took a variety of filing fee categories and set up the proposed filing fees at 50% of the amount of Lancaster's fee for each category. He also proposed a 50% surcharge for after-the-fact filings, and an additional surcharge \$250 for after-the-fact filings where there is another violation besides the lack of a filing. There would be no change to the By-Law provision that allows for a fine of up to \$300 per day for violations, which may include fines for doing work in the Commission's jurisdiction without a filing. Tony George suggested sending an Enforcement Order to notify the violator of action necessary to avoid any further fines. Garrett Davieau suggested initiating a time line based on the season to fix a problem. David Whitaker suggested giving the applicant a month to file.

Agent Koonce laid out the process for instituting the fees:

1. Commission votes to approve proposed filing fee schedule (tonight)
2. Commission holds a public hearing at a future meeting to accept public input on the proposed fee schedule from Step 1, votes after the public hearing to institute (or not) the proposed fee schedule, possibly with revisions made pursuant to the public hearing
3. The Board of Selectmen holds a public hearing to accept public input on the proposed fee schedule from Step 2, votes after the public hearing to approve (or not) the proposed fee schedule

Kyle Bradley made a motion, 2nd by Tony George - **vote** unanimously approved to accept the filing fees draft. This completes Step 1 above. A public hearing will be scheduled in January.

Update on Gardner and Winchendon Landscape Connection Project. Vote to approve applications for Conservation Land Tax Credit and NAWCA Grant

Janet Morrison of Land Conservation Consulting gave an update on the Gardner & Winchendon Landscape Connection (GWLC) Project and the status of the Project's application to the FY 2016 Landscape Partnership Grant Program. This project would conserve 914 acres of land connecting protected landscapes in Gardner and Winchendon to create a contiguous protected landscape of approximately 3,700 acres. The project partnership is led by North County Land Trust, and includes the Dept. of Fish and Game, Division of Fisheries and Wildlife, the Town of Winchendon, the City of Gardner and Mount Grace Land Conservation Trust. All partners will hold an interest in one or more project tracts. Two hundred fifty acres of land the Project proposes to conserve is in Winchendon from Old County Rd. to the Gardner Town line.

Ms. Morrison is asking the Commission to approve two applications to the Massachusetts Department of Revenue Conservation Land Tax Credit (CLTC) program, and an application for a North American Wetland Conservation Act (NAWCA) Grant.

MassDOR CLTC

The first CLTC application is for parcels 10A & 10B Mellon Rd. owned by Richard Galat. This includes both sides of Mellon Rd. Tracts 10A & 10B would continue to be owned by Mr. Galat, with the Conservation Commission holding a Conservation Restriction on them, which would be monitored annually. Two signatures are needed on the CLTC applications: one from the property owner and the other from the Conservation Commission Chairman. The second CLTC application is for parcels 7A & 7B Gardner Rd owned by Josephine Bianchi. Tracts 7A & 7B would be owned by the Conservation Commission, so no annual monitoring would be required. Ms. Bianchi has already signed the application.

The appraisal will be paid by Field Pond Foundation of Mount Grace Trust. This application is to get in line for 2018 funding.

Kyle Bradley made a motion, 2nd by Tony George - **vote** unanimously approved to have Conservation Chairman sign the two applications.

NAWCA Federal Grant - North American Wetland Conservation Act

The grant application for Baily Brook is partially done. It is due November 3, 2016. The grant application and grant statement can be signed by Agent Koonce and the Town Manager. The partner statement for conserving private lands for conservation needs the Conservation Commission recommendation and approval.

Kyle Bradley made a motion, 2nd by Tony George - **vote** unanimously approved to authorize Agent David Koonce and the Town Manager to sign the Grant Application. The appraisal for the town forests needs to be done.

David Koonce thanked Janet Morrison for her help and asked for continued assistance.

Town of Winchendon contribution to Gardner and Winchendon Landscape Connection Project

The Town of Winchendon will transfer the Town Forest, Assessor's lots 15A & 15B, as the Town's contribution to the GWLC Project. An article asking voters to approve the transfer is on the warrant for the November 14, 2016 Special Town Meeting. Agent David Koonce will attend the meeting and encouraged Commission members to also attend. The warrant article also includes the approval of an appropriation of a maximum of \$25,000 for title research and other due diligence to accomplish the transfer. Besides the title research, a survey and preparation of baseline documentation are required on the 90 acres. The Landscape Partnership Grant Program does fund expenses, but it is a reimbursement program; i.e. the town must spend money on expenses up front. Agent Koonce stated that Conservation Commission funds could be used. Funds will be reimbursed once grant funding comes in after the Project is completed. David spoke to Town Counsel about questions that may come up at Town Meeting.

Weirstak Land Gift Update

The Commission previously voted to accept this gift of 23 acres of land. Agent Koonce has obtained an estimate of \$1,500.00 for a survey to subdivide the existing 25-acre property into two parcels: one parcel to be donated to the Commission, another parcel with the house and 2 acres of land, which is required by zoning, to remain with owner Adella Weirstak. The issue with the barn is complicated. If the owner keeps the barn another survey may be needed. The barn is currently used for storage. The owner owes the town approximately \$11,000 in taxes. Janet Morrison will look into the possibility of using the CLTC for the property. Her fee for services would be \$1,500.00. Garrett Davieau wants to know how the town feels about the outstanding taxes. Sharron Cadieux, a neighbor of Ms. Weirstak's, asked to be present during any Conservation Commission meetings with her.

ADJOURNMENT

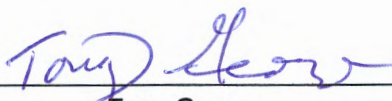
Tony George made a motion 2nd by Kyle Bradley - **vote** unanimously approved to adjourn.

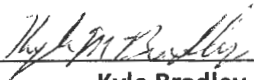
The next Conservation meeting will be Thursday, November 17, 2016.

Respectfully submitted,

Patty Driscoll, Secretary



Garrett Davieau

Tony George

Kyle Bradley