

Approved 10 / 14 / 21

TOWN OF WINCHENDON

Signatures:



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WINCHENDON TOWN CLERK
RCUD OCT 20 2021 PM 3:18

Conservation Commission Regular Meeting/Public Hearing Minutes
September 9th 2021 in Town Hall Auditorium

Members Present: Kyle Bradley, David Whitaker, Melissa Blanchard, Ken Wante, Lionel Cloutier

Others Present: Alison Manugian (Conservation Agent), Valerie Daigle, Paul Grasewicz, Brian Davis, Kevin Semenchuk, Paul Robichaud, Steven Horhota, Dave Breau & John Crowley

Meeting called to order by Kyle Bradley at 6:01pm.

Announcements or public comment

- A Manugian inquired if the Commission is on board with Dave Whitaker again doing the Marchmont Conservation Monitoring walk and report, everyone is on board.

Minutes of August 12, 2021 were presented for review. K. Wanted motioned to approve as presented, L. Cloutier seconded the motion and all voted aye.

Board Reorganization – brief discussion ensued around roles. L. Cloutier motioned that K. Bradley remain as Chair and that D. Whitaker continue to serve as Vice-Chair. M. Blanchard seconded this motion and all voted aye.

Notice of Intent Hearing

DEP 345-0743

- Applicant: Brian Davis • Address: 37 Happy Hollow Road; Assessor's Map 13, Parcel 266
- Description: Proposed work includes construction of a home and septic with grading in the buffer zone.
 - K. Bradley opened the hearing
 - A Manugian stated that the DEP number has been assigned and that there was discussion last month
 - V. Daigle presented that they have an updated plan showing the limit of work
 - A Manugian asked why the septic needs to be located where it is shown
 - V. Daigle explained that this area has the best soils per the test-pits. Where the land flattens out the soils change and the system would need to be much larger.
 - L. Cloutier stated that as they are outside of the 50' buffer he has no issues.
 - L. Cloutier motioned to issue an Order of Conditions with the standard conditions. D. Whitaker seconded the motion and all voted aye.

Notice of Intent Hearing Continuation

DEP 345-0725

- Applicant: Cindy Fitch • Address: 6 Island Road; Assessor's Map 6, Parcel 9
- Description: The proposed work includes addition to the existing home and related site work.
 - K. Bradley opened the hearing
 - A Manugian shared the applicant request for continuance pending ZBA input.
 - D. Whitaker motioned to continue to Oct. 14, 2021 at 6:05pm. K. Wante seconded and all voted aye.

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Discussion and vote regarding land currently under Chapter 61 protections at 185 Baldwinville Road was moved up in the agenda awaiting posted start time of the next hearing.

- A Manugian summarized that the land is owned by Kevin Doyle who intends to sell this land as part of a two acre parcel containing a single family residence. The land consist of .818 acres pursuant to MGL c.61A (Forest Land) recorded with the Worcester Registry of Deeds at Book 48451, Page 86. The Town Manager has requested a recommendation to the Select Board on this parcel in advance of their discussion and vote scheduled for September 13, 2021.
- D. Whitaker expressed concern that there may be a financial savings to the owner as this has been structured.
- General consensus in discussion is that there is no Town interest in owning this land
- A Manugian indicated that this situation would typically be caught earlier and that the owner will now pay the back property taxes and the section shown in orange will remain protected.
- L. Cloutier motioned that the Conservation Commission recommend that the Select Board not follow through on their right of first refusal. D. Whitaker seconded the motion and all voted aye.

Notice of Intent Hearing

DEP 345-0733

- Applicant: Jamison VanDyke • Address: 449 Glenallen Street; Assessor's Map 3A1, Parcel 11
- Description: Demolition and construction of a new single family home, proposed garage, septic system and well, drainage infiltration system and related site work and grading.
 - Paul Grasewicz here to present updated plans
 - The house has been reduced in size by a couple of feet – it is 40' x 36' now and the reductions are on the eastern side so the setbacks to the lake are increased.
 - The existing structure is 39' from north to south and the lake setback is 28.5'
 - The infiltration bed will take the runoff and the garage and roadway area are not changed
 - K. Bradley stated that the proposed house is still larger than the original house
 - M. Blanchard stated that her concerns remain – that the footprint is much larger.
 - L. Cloutier continues to share M. Blanchard's concerns.
 - D. Whitaker stated that the current plan is an improvement and that there is increased wetland setback over the last suggestions.
 - K. Wante stated that this is improved, but he would like to see it comply with the original home footprint (squared off). The expansion to two stories has also increased the size of the home.
 - P. Grasewicz stated that the existing structure size is 39' x 34' including the chimney
 - K. Bradley stated that there will be grading and structure within the 50' buffer, which is true if he were compliant with the existing footprint as well. The ability to control construction, increase footprint and to mitigate for the impervious is sufficient for him
 - D. Whitaker asked for clarification of existing and proposed sizes
 - P. Grasewicz stated that the existing structure is 1,326sf (squared off) and the proposed is 1, 440sf
 - D. Whitaker stated that he would like to see the home size held at 1,326sf in the location shown for the proposed residence.
 - General discussion ensued about the appeal of this proposal
 - P. Grasewicz indicated that the proposed residence can comply with this if required
 - K. Wante motioned to issue an Order of Conditions with the standard conditions and requiring a final plan be submitted to the Conservation Agent prior to issuance of a Building Permit. The size of the residence shall be not more than 1,326sf and the building shall be located where it is shown on the current plan. D. Whitaker seconded this motion and all voted aye.

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Notice of Intent Hearing

DEP 345-0736

- Applicant: Joyce Klauzinski • Address: 16 Hale Street; Assessor's Map 4C4, Parcels 57
- Description: Construction of a greenhouse and related site work.
 - K. Bradley opened the continued public hearing
 - A Manugian summarized that the work is outside of the 50' buffer and appears to be within the 100'. Given the project, previous approvals and cost a flagging and survey have not been done.
 - D. Whitaker asked about the flooring material, which will be crushed rock/gravel.
 - M. Blanchard motioned to grant the Order of Conditions with standard conditions. L. Cloutier seconded and all voted aye

Notice of Intent Hearing

DEP pending

- Applicant: David Breau
- Project Address: 65 Fourth Street; Assessor's Map 3, Parcels 60
- Description: Completion of foundation in progress and replacement of seawall not yet begun.
 - D. Whitaker read hearing notice and hearing was opened
 - Dave Breau & Atty Crowley present to discuss the project
 - A Manugian updated that the foundation work had begun without the proper permit and that the wall work has not yet begun. Per the Building Commissioner the foundation work is proceeding as it presents a safety/property damage risk. The seawall in general is failing
 - K. Wante asked about the note on the plans regarding PVC piping, which was clarified as an older note from the prior project.
 - No other members had issues
 - K. Bradley confirmed that the work will be done by a contractor
 - L. Cloutier motioned to grant the standard Order of Conditions. M. Blanchard seconded and all approved.

Request for Determination Hearing

- Applicant: Kevin Semenchuk
- Project Address: 196 Monomonac East Assessor's Map M4, Parcel 5
- Description: Proposed work includes removal of trees near Lake Monomonac
 - D. Whitaker read hearing notice and hearing was opened
 - Kevin Semenchuk was present to discuss the project – there are two trees near the water that hang over the water and his boat. The sap and branches are creating property damage and risk
 - K. Bradley & L. Cloutier reviewed and have no issues – the trees are leaning
 - K. Wante also reviewed and agrees – one tree is damaged.
 - L. Cloutier motioned to issue a Negative Determination. M. Blanchard seconded the motion and all voted aye.

Notice of Intent Hearing

DEP pending

- Applicant: John Crawley
- Project Address: 75 Fourth Street Assessor's Map M3, Parcel 58
- Description: Proposed work includes removal of trees, removal of a deck and creation of a stone patio area near Lake Monomonac
 - D. Whitaker read hearing notice and hearing was opened

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- L. Cloutier motioned to continue this hearing to October 14 2021 at 6:10pm as no DEP number has yet been assigned. D. Whitaker seconded the motion and all voted aye
- The applicant requested that the presentation be made tonight with Commission approval conditional upon issuance of the DEP number. He stated that other communities to this.
- A Manugian stated that per conversations with DEP this is not allowed. Once the hearing is closed DEP can not legally accept additional information. If DEP has questions or concerns there would be no legal mechanism to discuss or take in response information.
- K. Bradley offered that the Commission could consider a special meeting at 15 days out
- J. Crawley stated that DEP has the plans and that he will provide them to the Town as well.
- L. Cloutier motioned to continue this hearing to September 23, 2021 at 6:05pm in lieu of Oct. 14th. D. Whitaker seconded and all approved.

Notice of Intent Hearing

DEP pending

- Applicant: Paul Robichaud
- Project Address: 95 Fourth Street Assessor's Map M3, Parcel 53
- Description: Proposed work includes installation of fence and flag pole and addition of new beach sand on an existing beach near Lake Monomonac
 - D. Whitaker read hearing notice and hearing was opened
 - D. Breau explained the intent of the project
 - L. Cloutier, K. Bradley and K. Wante all visited and have no concerns
 - M. Blanchard asked about an existing fence. P Breau explained that the neighbor has a smaller fence about 5' into their property and that he would like to keep cats off of his beach
 - No abutters were present
 - The applicant plans to do the work in Spring of 2022
 - L. Cloutier motioned to continue the hearing to October 14th. M. Blanchard seconded the motion and all voted aye.

Notice of Intent Hearing

DEP pending

- Applicant: James Ordile
- Project Address: Royalston Road North Assessor's Map 1, Parcel 66
- Description: Proposed work includes grading and site work related to a new single family home
 - D. Whitaker read hearing notice and hearing was opened
 - P. Grasewicz was present to speak to the project. Asher Construction is purchasing the property and would like to construct a house. The structure and leach field are proposed outside the 100' buffer and the grading would end about 75' from the wetland. A barrier will be installed to prevent need for further grading. The septic system will be a raised design due to the groundwater elevation 16" below grade.
 - No board members had questions or concerns.
 - L. Cloutier motioned to continue to September 23rd at 6:10 pm as no DEP number has been assigned. K. Wante seconded the motion and all voted aye.

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- Applicant: Steven Horhota

- Project Address: 56 Second Street Assessor's Map M3, Parcel 39
- Description: Proposed work includes removal of a tree near Lake Monomonac
 - D. Whitaker read hearing notice and hearing was opened
 - S. Horhota presented that there is a single tree, a large pine near the water, which he would like to remove. It has grown unevenly and there is previous damage. The tree is a safety and property damage concern.
 - L. Cloutier and K. Bradley have both reviewed and agree that the top section is a mess
 - K. Wante agrees
 - K. Wante motioned for a Negative Determination. L. Cloutier seconded and all voted aye.

Discussion and possible vote following discussion of circumstances under which Conservation Agent might be permitted to allow tree removal or trimming. Discussion likely to include distance to wetland, number of trees involved and condition of trees.

- A Manugian presented that there are frequent requests to take down trees due to property risk or safety concerns. If the Commission is comfortable allocating some permissions to the Agent it could hasten work for applicants and reduce the number of hearings needed on minor requests. Restrictions could be applied and the Agent directed to bring forward reports or larger requests.
- K. Bradley is fine with this idea for the current agent – if a change took place it would need to be reconsidered after the Commission knows the agent.
- D. Whitaker trusts the judgement of the Agent and suggests a form letter be issued when such permissions are given. This would give the homeowner a written record for abutters and future use.
- K. Wante finds that these requests are hard to turn down given concerns about liability
- M. Blanchard is fine with this permission
- L. Cloutier motioned to grant permission to the current Conservation Agent to authorize removal of trees, or trimming, unless she feels that the entire Commission needs to make the decision. M. Blanchard seconded the motion and all voted aye.

Request for Certificate of Compliance made for 135 Gardner Road

- A Manugian summarized that this permission was for installation of a solar field with related site work. Per Borrego Solar the work was never begun and the project will not take place. The owner wishes to sell the property and needs the deed cleared.
- L. Cloutier motioned to grant the Certificate of Compliance for 135 Gardner Road. K. Wante seconded and all voted aye.

K. Wante motioned to adjourn and D. Whitaker seconded the motion. All voted aye.

The Chair, K. Bradley, adjourned the meeting at 7:18 pm.