

Approved 8 / 12 / 21

TOWN OF WINCHENDON

Signatures:



Kenneth J. Hunt 8/12/21
Lionel Cloutier
AM

Conservation Commission Regular Meeting/Public Hearing Minutes

July 8th 2021 in Town Hall Auditorium

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

Others Present: Alison Manugian (Conservation Agent), Paul Robichaud, Jan Robichaud, Suresh Bhatia, Shaun Dame, Karen Allen, Erin Barriere, Steven Barriere, Laura Mahan, Joe Mahan, David Pollak, Jane LaPointe, Ken LaBrack, Richard Lucier, Lisa Gauthier, Richard Zwahlen

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

L. Cloutier motioned to approve the minutes of June 10, 2021 as presented. M. Blanchard seconded and all voted aye.

Announcements

- A. Manugian notified Commissioners that National Grid will be updating equipment on an existing pole on Winchendon Rd under their exemption.
- A. Manugian noted that the next meeting will include annual reorganization of the Commission
- A. Manugian requested a discussion (and possible vote) at the next meeting regarding possible situations in which Agent approval could be sufficient for removal of trees.

Discussion of Requests for Certificates of Compliance (CoC) as first hearing is scheduled for 6:10pm

- A Manugian stated no concerns with the request to issue CoC for 800 Spring Street – New England Auto & Truck Recyclers. **D. Whitaker motioned to issue the Certificate. K. Wante seconded and all voted aye.**
- A Manugian stated no concerns with the request to issue two CoCs for 30 Madison Ave. Both Orders were issued for the same project as the first expired prior to completion. **D. Whitaker motioned to issue the Certificates. K. Wante seconded and all voted aye.**

Enforcement Order

- A. Manugian updated the Commission that the unpermitted tree removal at 566 Lakeview remains open. The owner has not responded. Discussion ensued and D. Whitaker motioned to send mail (certified and regular) to the owner requiring that he submit for NOI and pay all fees.

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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.
- A Manugian summarized that there is no new information for this hearing tonight. Effectively the hearing is being held open until the ZBA reviews the special permit and variance applications anticipated soon. If the ZBA requires changes to the project they can be incorporated without formal amendment.
- **K. Wante motioned to continue the hearing to August 12th at 6:10pm. D. Whitaker seconded and all voted aye.**

While awaiting the next hearing time A. Manugian updated the Commission that the Gardner News ads didn't run for multiple hearings slated for this meeting. Because abutter notices went out the hearings will be opened and immediately continued to August 12th allowing for proper public notice.

Notice of Intent Hearing Continuation

DEP 345-0731

- Applicant: Town of Winchendon • Address: 86 Ingleside Dr; Assessor's Map 5A3, Parcel 348
- Description: Site alterations and construction of parking and amphitheater in the Community Park
- A. Manugian offered an update that changes have been made for discussion here tonight. D. Lapointe from Beals & Thomas is here to provide a walkthrough of changes.
- D. Lapointe highlighted the following items:
 - the stage is now entirely outside of the 100' buffer zone, some grading remains in the buffer
 - The drainage structures right of the parking lot area have been eliminated; replacement is pervious pavement and a culvert system below. This allows for the existing vegetation and habitats to remain unaltered. Stormwater calculations are provided and all DEP regulations have been met. Flow from below the now proposed system will join in the culvert (replaced and enlarged) to the existing wetland area. There will be some work in the buffer zone, in particular the culvert replacement.
- K. Wante asked about the performance of the impervious pavement when it freezes
- D. Lapointe stated that the water will migrate through the pavement into a layer of crushed stone and into the pipes. If the pavement freezes additional runoff will flow over land to the wetlands pointing out that this is similar to a traditional parking area with a catch basin frozen over or piled under snow banks.
- K. Wante would like to see the grading reviewed to ensure that the runoff in this situation is captured and doesn't flow to the wetlands without some treatment/settling.
- D. Lapointe explained that the parking lot is crowded and part of the area will run to the culvert, the remainder will sheet flow to the west overland. A curb cut could be added to the west to prevent retention on the pavement.
- L. Cloutier asked if they plan to charge for pavement, D. Lapointe clarified that they do not.
- M. Blanchard and D. Whitaker like the improvements.
- A. Manugian stated that the DPW will need to understand how the upkeep and maintenance for this parking design will differ from a typical parking lot.
- D. Lapointe stated that the lot will need to be swept regularly and a vacuum truck will need to suction off the surface periodically; the need for frequent specialized maintenance is part of why this type of system isn't used more frequently
- K. Bradley stated that this will be a problem if the system isn't well maintained

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- D. Whitaker asked about winter upkeep. J. Lapointe stated that they don't plan to plow the lot, but that the drive will be kept open as it is now.
- Discussion ensued that erosion controls will be needed around the stage and parking lot construction
- A. Manugian recommended continuance until the ZBA and Planning Board complete their reviews
- **D. Whitaker motioned to continue the hearing to August 12th at 6:15pm. K. Wante seconded and all voted aye.**

Notice of Intent Hearing

DEP 345-0732

- Applicant: Nouria Energy Corp • Address: 93 Gardner Road; Assessor's Map 12, Parcels 9
- Description: Replacement of existing commercial septic and related site work
- McClure engineering here to represent the project –
 - replacement of the existing failing system The existing system has two leaching beds with breakout from the lower field.
 - The proposed system will have two tanks (4,000g and 2,000g) and a pump chamber. The soil field is oversized and a new barrier is proposed to prevent breakout.
 - The drainage swale along Route 140 is not a wetland
 - Approximately 1,050sf of buffer zone are impacted, this will only be grading and minor clearing.
 - All excavated soils will be removed and loam and see with erosion control blankets are proposed
 - The erosion control barriers are as shown on the plans
- K. Bradley asked for board questions or comments and none were forthcoming.
- K. Bradley expressed a preference for silt fence and haybales in lieu of waddles and the applicant agreed
- L. Cloutier asked if they will close the business while work is underway. The applicant believes so and will send confirmation
- **K. Wante motioned to close and issue an Order of Conditions with standard conditions. M. Blanchard seconded and all voted aye.**

Notice of Intent Hearing Continuation

DEP 345-0735

- Applicant: William Miller • Address: 86 Second Street; Assessor's Map 3, Parcels 33
- Description: Demolition and reconstruction of a new single family home and related site work.
- A Manugian reminded members that the proposal is to raze and rebuild, expanding slightly toward the road and adding a garage. This was discussed at the last meeting but no DEP number had been issued.
- L. Cloutier reminded the applicant's representative that the shrubs at the edge of the lake should be left unaltered.
- **D. Whitaker motioned to close and issue the standard order. L. Coultier seconded 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.

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- D. Whitaker read the public hearing notice and the Chair opened the hearing
- The applicant and Engineer P. Grasewicz are present to summarize and answer questions
 - A previous Order of Conditions was issued in 2006 to replace the existing structure and install a new septic system – this has now expired
 - The project proposes to add infiltration structures for roof runoff, to alter the footprint and to add a garage up close to Glenallen Street. The garage size has been expanded from the original application due to the reduced setbacks required in the Monomonac Lake Overlay District.
- L. Cloutier highlighted that the proposal is 23' from the water and the regulations have a 50' minimum buffer – in his memory the 2006 decision didn't allow for expansion. He can't support this project as proposed.
- J. VanDyke stated that this is only slightly larger than the existing home and is further back from the water than the existing structure or the one permitted in the 2006 decision. The existing home is on stilts and has been spray foam insulated from below. The roof has been damaged and repaired.
- L. Cloutier inquired about the proposed foundation.
- J. VanDyke stated he will build a 4' frost wall and crawl space and that the Building Commissioner is okay with this approach
- K. Bradley reiterated that this proposed home is significantly larger and the proposed porch is still very close to the water
- J. VanDyke clarified that he hopes to construct this fall.
- A Manugian indicated that FEMA confirmation of clarified flood elevation is needed. She highlighted the shaded area near Glenallen that maintains a 50' buffer to the water and meets zoning setbacks. This area is large enough for the proposed home.
- K. Bradley summarized that the size of the proposed structure is an issue for him
- J. VanDyke indicated a willingness to remove the waterfront porch
- P. Grasewicz indicated that the bright green line (the 1049' elevation contour) has been approved by FEMA as the flood limit
- D. Whitaker asked about the size of the proposed home.
- P. Grasewicz indicated that the proposed structure is 42' x 42' and that the previous approval was for 36' x 34', approximately a squaring off of the existing structure's footprint
- A Manugian pointed out that the previous Order has expired and is not relevant
- J. VanDyke asserted his right to replace the house where it stands without permissions if there are no changes proposed.
- J. VanDyke stated that the new well and septic have already been installed so that disturbance is done. He would like to lift the structure up 1' higher.
- L. Clouter asked about shifting the structure to the north further from the wetland
- J. VanDyke stated that there's a beach area there and the new septic has been placed. He noted his willingness to add additional runs of silt fence and haybales for extra protection
- K. Bradley asked about the southwest corner of the existing home
- J. VanDyke stated that it's a previously disturbed area with a gravel driveway, the outer 5' – 10' of the project perimeter are undisturbed.
- K. Bradley asked if the structure is staked in the field and if continuance to August is problematic
- J. VanDyke replied that it's not staked but that he can have that done and continuance is fine.
- Discussion ensued around a field visit, which members supported

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- M. Blanchard indicated that she could support work within the existing footprint but that work beyond that is detrimental. She is not in support of waiving the 50' buffer without building.
- J. VanDyke asserted that Mass Code allows for a 50% increase in the structure on a non-conforming lot such as this.
- **L. Cloutier motioned to continue the hearing to August 12th at 6:20pm. M. Blanchard seconded and all present voted aye.**

Request for Determination of Applicability

- Applicant: Louise Dubois
- Project Address: 36 Second Street; Assessor's Map 7, Parcel 6
- Description: Removal of a hazardous tree near Lake Monomonac
- D. Whitaker read the notice and the hearing was opened. **L. Cloutier motioned to continue the hearing to August 12th at 6:25pm as the Gardner News ad didn't run. K. Wante seconded the motion and all voted aye.**

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.
- D. Whitaker read the notice and the hearing was opened. **D. Whitaker motioned to continue the hearing to August 12th at 6:30pm as the Gardner News ad didn't run. K. Wante seconded the motion and all voted aye.**

Notice of Intent Hearing following Enforcement Order

DEP 345-0739

- Applicant: David Barone
- Project Address: 56 Beachview Drive; Assessor's Map M10, Parcel 42
- Description: Installation of a new dock and removal of old one – work already done.
- D. Whitaker read the notice and the hearing was opened
- A Manugian offered a summary that the applicant has been very responsive – filing paperwork rapidly and paying all fees.
- D. Barone explained that the seasonal dock structure was replaced and he didn't realize a permit was needed. The dock is similar but longer to accommodate his boat.
- L. Cloutier asked about costs and fines if a permit request follows work
- K. Bradley stated that it's typically done as an 'after the fact' filing and there is an additional 50% of the local permit fee due
- M. Blanchard reviewed and feels this is better than the previous dock
- **L. Cloutier motioned to close the hearing and issue the standard Order of Conditions. M. Blanchard seconded all voted aye.**

Notice of Intent Hearing following Enforcement Order

DEP pending

- Applicant: Karen Allen
- Address: 225 Monomonac West; Assessor's Map 9, Parcel 34
- Description: Beach replenishment – work already done.
- D. Whitaker read the notice and the hearing was opened
- A Manugian summarized that the work has been done and the applicant is present. The weeds were removed and sand was added. The plastic barrier was already in place and no other work was done.
- L. Cloutier indicated he found this to be a dramatic improvement during his site visit

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- K. Wante also visited and mentioned his concerns the the Winchendon Springs Lake Association still is passing out brochures that they can permit this type of work.
- A Manugian reported her conversations that the WSLA will no longer use these materials and she will reach out to them again.
- M. Blanchard indicated her only concern is the broken steel pipe, which is a safety issue
- K. Allen stated that the area is too mucky for swimming, but that the pipe could be capped
- **K. Want motioned to close and issue the standard order. D. Whitaker seconded and all voted aye.**

Request for Determination of Applicability

- Applicant: Paul Robichaud • Address: 95 Fourth Street; Assessor's Map M3, Parcels 53
- Description: Removal of trees and selective stump grinding.
- D. Whitaker read the notice and the hearing was opened
- P. Robichaud, Applicant, explained the trees he would like to remove – the tree by the water is rotting and the others are very large and close to his and the neighboring home.
- D. Whitaker agreed that these are a safety issue
- M. Blanchard agreed stating that the tall oaks with foliage only at the top are a wind risk
- K. Wante and L. Cloutier stated no concerns as this is for safety reasons
- **L. Cloutier motioned to close the public hearing. D. Whitaker seconded and all voted aye.**
- **D. Whitaker motioned to issue a Negative Determination. K. Wante seconded and all voted aye.**

Notice of Intent Hearing

DEP 345-0737

- Applicant: Laura Rosmond Mahan • Address: 30 Harvard St; Assessor's Map 2D3, Parcel 73
- Description: Improvement of existing stone wall near intermittent stream and fill to level area.
- D. Whitaker read the notice and the hearing was opened
- The applicant is present and A. Manugian summarized the project intent – to rebuild the existing stone wall and add fill away from the stream to create a level usable area
- M. Blanchard visited the site and feels that the changes will reduce the erosion potential
- D. Whitaker indicated that this area was part of an old drainage system
- **L. Cloutier motioned to close the hearing and issue the standard Order, noting that erosion controls may be difficult and should be monitored by the Agent. M. Blanchard seconded and all voted aye.**

Notice of Intent Hearing following Enforcement Order

DEP 345-0734

- Applicant: Erin Barriere • Address: 459 Glenallen Street; Assessor's Map 3A1, Parcels 19
- Description: Dock replacement, tree removals, grading and beach replenishment – work begun.
- D. Whitaker read the notice and the hearing was opened
- E. Barriere, applicant, summarized that the previous owner removed the equipment and items shown in red on the plans. Smaller items and debris were left behind. Where the container was removed a 12'-15' drop remains that is a safety hazard. Three 4" diameter trees were removed by the owners. A fourth tree at the edge of the 100' buffer was removed by professionals in conjunction with other work outside of the buffer. They would like to replace the dock and shed and add new granite curbing around the beach perimeter to keep sand in place and prevent erosion. They propose to plant 10-15 trees in the side area to restore and they would like to scrape out and loam the previous gravel drive (including glass and metal) that runs to the edge of the water.

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- A. Manugian stated that this will be an improvement overall and other than the work preceding the permit she has no concerns
- K. Bradley agreed as did M. Blanchard
- **L. Cloutier motioned to close and issue the standard Order. K. Wante seconded and all voted aye.**

Notice of Intent Hearing

DEP pending

- Applicant: DPW Town of Winchendon
- Project Address: Webster Street; Assessor's Map 5A3, Parcels 185
- Description: Installation of new drainage culvert to replace swale damaged by ATV traffic, debris and soil removal from related upstream drainage swales.
- D. Whitaker read the notice and the hearing was opened
- L. Cloutier disclosed that he lives in the area, but has no conflict and gains nothing from the project.
- A Manugian summarized that the hearing can not be closed or a decision rendered until the DEP number is assigned. It is unclear if this system began as a drainage swale or if there was a pre-existing stream of some type. Given the lack of clarity we discussed the project and determined that getting Conservation permission was the best path forward. The drainage swale appears to be a dirt bed with perennial water flow. At some point previously granite slabs were placed across the top of parts of the system. Traffic using the path that runs over the system is eroding the sides and the granite is at risk of falling. The entire upstream system needs to be cleaned out and eroded materials removed to restore flow.
- M. Blanchard asked if the granite will remain or be removed. A Manugian will confirm the intent with the DPW Director, who will attend the next meeting.
- Members of the public approached with questions about the project and the process. They were welcomed to reach out to A Manugian.
- R. Zwahlen, abutter, expressed that he is very unhappy with the general situation and area. The runoff that floods and collects has impacted the water table. Much of the drainage system is anaerobic and there are many impacts. He has concerns about the repairs done in 2011 without headwalls. D. Whitaker pointed out that much of that work was triggered by beavers.
- A Manugian confirmed that the intent of the work is to address the known drainage concerns and that this project will improve the situation. Additionally, as part of another project in permitting, the large failed culvert running from Juniper St to Central St. will be replaced.
- **D. Whitaker motioned to continue the hearing to August 12th at 6:35pm. K. Wante seconded and all present voted aye.**

D. Whitaker motioned to adjourn the meeting. M. Blanchard seconded and all voted aye.

Meeting adjourned at 7:55pm