

TOWN OF WINCHENDON



Conservation Commission Regular Meeting/Public Hearing Minutes

January 14, 2021 remotely at www.zoom.com

Meeting ID: 975 8689 0956 Passcode: 9562443

Members Present: Dave Whitaker, Ken Wante, Kyle Bradley, Melissa Blanchard
Others Present: Alison Manugian (Conservation Agent), Kelley Fike, Rick Ward, Rodney Galton, Barbara Anderson, Marc Dorwart, Jim Bigfoot, Sarah Montfreda, Nancy Martin, Nick Santangelo, Mary Kate Schneeweis, Kevin Clark, Scott Crichton, Paul Grasewicz, other members of the public.

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

Announcements -

- A Manugian announced that Lionel Cloutier, a former Conservation Commission member, has requested reappointment to the Commission. Following brief discussion **D. Whitaker made a motion to recommend that the Select Board appoint Mr. Cloutier. M. Blanchard seconded this motion and all voted aye via roll call.**
- A Manugian notified the Commission of the annual notice from National Grid to the Select Board, of their annual vegetation management planned activities. M. Blanchard asked about the herbicides used and potential impact on nearby wells. A. Manugian will look into this and provide information at the next meeting.

Minutes

- **D. Whitaker made a motion to approve the draft minutes of December 10, 2020. DK. Wante seconded the motion and all approved via roll call.**
- **D. Whitaker made a motion to approve the draft minutes of December 17, 2020. DK. Wante seconded the motion and all approved via roll call.**

Notice of Intent Hearing Scott Crichton

DEP 345-0714

206 Lakeview Dr. (Map 10, Parcels 24) Removal of 5 healthy trees 65' to 90' from wetland.

D. Whitaker read the public hearing notice and the hearing was opened by the Chairman.

S. Crichton, Applicant, explained that the five healthy pine trees are 65 to 90' off of the wetland. Branches fall on vehicles parked in driveway and pitch is damaging vehicles.

All four members present indicated general comfort as trees are beyond 50' from the wetland

S. Crichton added that he would also like to do minor trimming of limbs closer to the lake damaged in last year's storms – one broken limb and one large dead branch. Consensus of members is to add this verbal request to the NOI.

S. Crichton indicated preference to pull stumps nearest to driveway and to grind the stump closest to the lake (65' away).

K. Wante made a motion to close the hearing and issue the Order of Conditions with standard conditions.

M. Blanchard seconded this motion and all approved via roll call.

Amendment of Order of Conditions Hearing ECOS Solar – Rodney Galton

DEP 345-0692

Spring Street; (Map 9, Parcels 97 & 98) Request to expand permitted fenced in area for safety reasons.

D. Whitaker read the public hearing notice and the Chair opened the public hearing.

A Manugian offered a summary of this request, as preliminarily discussed at the December meeting. The initial plan was to fence in the array areas only, recent ATV traffic and incidents prompted a request from the Environmental Police and Town Police to expand the fencing to property lines.

R. Galton updated the Commission that the crash gate at the entry has been installed and they have requests out for fencing bids.

No Commission members had questions.

D. Whitaker made a motion to close the hearing and amend the fencing locations in the original Order of Conditions. DK. Wante seconded the motion and all approved via roll call

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*Amendment of Order of Conditions Hearing West Street 1 Solar, LLC DEP 345-0649
West Street; (Map 2, Parcel 109) Request to permanently leave boulders covering sections of buffer.*

D. Whitaker read the public hearing notice and the Chair opened the public hearing.

A Manugian offered a summary of the project – a large ground mount solar array install that is largely completed. During construction more rocks were found than had been anticipated. These were placed on-site, many within the 100' wetland buffer. The current Order of Conditions stipulates four inches of loam with seeding. A request is in to Tighe and Bond to review the current site.

K. Bradley expressed concerns about the boulders.

N. Santangelo, Engineer with Beals and Thomas, outlined that the granting of the request to amend the Order would bring the project into compliance. The boulders have been placed only one rock deep and there are no piles – the underlying topography is steep and variable. At this point the removal of the boulders would create additional disturbance for the site and species.

K. Bradley admonished that the applicant and team can't change a project mid-stream to do whatever works for them without permissions.

K. Fike present, Engineer for NEXAMP stated that they had conversations with the previous Agent and Inspector (Matt Marro) during construction and that verbal permissions were given. The boulders and stumps placed on the abutting property were removed back to the project site in 2019.

K. Bradley indicated that without written permission from the Commission that there is no evidence this process change was accepted.

D. Whitaker indicated he walked the site today and that there is a tremendous amount of rock. He would like a 3rd party review and encouraged a site walk for anyone who hasn't seen the property. They may be able to leave the rock and cover with wood chips and loam. Any encroachment remaining onto the abutting property would need to be resolved.

K. Bradley asked if the rocks have value to other contractors – D. Whitaker indicated they do.

K. Wante indicated concerns about small wildlife being unable or unwilling to traverse the boulders. He too wondered if they could be buried and vegetation established.

K. Bradley indicated that he has significant concerns about setting a precedent allowing changes to be made without permission.

D. Whitaker clarified that he doesn't think the site is ok as it is, but that perhaps something can be done with the boulders in place.

K. Wante indicated concern about further damage possible by removing the boulders.

M. Blanchard indicated that the boulders are evident in google maps and she was upset to review.

S. Monfreda, an abutter, indicated her previous email to members and the photos she shared. The first two photos show the reuse onsite of the boulders that were removed from her property. She is unhappy that there was no attempt to get permission by the applicant, forgiveness was expected. The project currently has created a situation that is effectively an island surrounded by wetlands. (A. Manugian clarified that per the previous emails boulders/rocks such as this are considered to be construction debris.) S. Monfreda clarified that construction debris disposal was prohibited in the original Order of Conditions and that such can not be buried.

M. Dorwart wondered if the site is open to the public for review and expressed strong concerns that allowing this change in permission will open the door to future projects to ignore permissions then argue that remedy will impact the newly created 'habitat'. This is an opportunity for the Commission to set priorities and direct future growth of the Town; which is also key to the master plan.

K. Bradley reminded viewers to attend Town Meetings as this is where the bylaws and rules get set.

D. Whitaker motioned to continue the hearing to 6:05pm on February 11th for review as there is currently a violation of the Order in place. M. Blanchard seconded the motion and all voted aye via roll call.

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Notice of Intent Hearing *Diane Coulter*

DEP 345-0712

55 Island Road; (Map 2, Parcel 8) Construction of a new retaining wall with steps adjacent to garage.

D. Whitaker reread the public hearing notice although this is a continuance. The applicant is unable to attend today and has requested a further continuance to 6:10pm on February 11, 2021.

K. Wanted motioned to so continue the hearing. M. Blanchard seconded the motion and all voted aye via roll call.

Notice of Intent Hearing *Barkley Enterprises & Paul Grasewicz*

DEP # pending

Gardner Road; (Map 12, Parcel 8) Construction of an access driveway within wetland buffer for forestry.

D. Whitaker and K. Bradley read the public hearing notice and the Chair opened the public hearing.

P. Grasewicz provided an introduction of the new plan (as altered by the stormwater report requested by DEP). The owner intends to log part of the site then pull the stumps and retain or sell the parcel for development. Coming in off of Route 140 some fill and a filtration bed with rock will be required. A swale is proposed to guide runoff back to the treatment area within the site. He noted that an additional Notice of Intent application will be required for further development.

K. Bradley inquired if it's viable to request that the Commission be notified of sale of the parcel. A Manugian clarified that this is a current standard condition that can be highlighted to the applicant in any Order issued.

K. Bradley asked for Board and Public Comments.

M. Blanchard indicated a desire to walk the site, which looks pretty good on paper.

Nancy Martin, an abutter at 101 Gardner Road, indicated that she has lived in her home for 38 years and is very opposed to an access road near her property. The wetland is a river in her estimation and the culvert capacity is annually exceeded. She first learned of the project when she found strangers on her property who asserted their intent to create a road between the site and nearby Raymond Road. She has been in contact with the Town and the State about this project. N. Martin continued that the water will run downhill and that it will flood her land. She doesn't like the applicant's attempt to intimidate her. She has numerous questions about traffic and parking during construction among other items.

K. Bradley reminded everyone that the Commission can only consider the facts and application, which doesn't include personal offense or applicant behavior.

N. Martin requested a site walk to review the project and the many wildlife impacts.

K. Bradley clarified that all projects must control stormwater on-site and that no additional runoff or storm impact on her property is allowed.

N. Martin stated that there is confusion over the property lines and she would like time to review and retain a surveyor.

P. Grasewicz stated that they research clearly tied in the shown property lines with those of her parcel and Route 140. The property is over nine acres and actual pins were found at the front and back points of her property lines. The second team out there, as seen by N. Martin, was flagging the property line to ensure that there are no incursions onto her property.

P. Grasewicz confirmed A Manugian's assumption that a state curb cut permit will be needed.

A. Manugian reminded all present that without a DEP file number the hearing can not be closed.

D. Whitaker indicated no significant concerns.

M. Blanchard would like to continue so a site walk can take place.

D. Whitaker motioned to continue the hearing to 6:15pm on February 11, 2021. K. Wante seconded the motion and all present voted aye via roll call.

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Certificate of Compliance Requests

- 566 Lakeview – Kameel Nasr (DEP #345-0710)
A Manugian stated that this was a straightforward replacement of residential D-box and septic tank, which was done in accordance with the plans and approved by the Board of Health.
K. Wante motioned to grant the certificate of compliance. D. Whitaker seconded the motion and all present voted aye via roll call.
K. Bradley requested that A Manugian review their ability to have the agent issue these approvals in the future.
- West Street – West Solar 2, LLC (DEP #345-0650)
A Manugian outlined that the project is completed with As-Builts. The work was done in conformance with the Order and additional plantings were placed at the request of the residential abutter.
D. Whitaker motioned to grant the certificate of compliance. K. Wante seconded the motion and all present voted aye via roll call.
- 606 School St – Warren Field (DEP #345-0644)
A Manugian summarized the site review at this newly constructed single family home. The site looks good and she will monitor vegetation growth into the spring. The applicant knows that he will be responsible to re-seed if there are issues.
K. Wante motioned to grant the certificate of compliance. D. Whitaker seconded the motion and all present voted aye via roll call.

Enforcement Order - 16 Monomonac Road East - Philip White

A Manugian summarized that the owner had approached her regarding emergency tree removals for septic replacement. At that site visit two additional trees, one dead and one a 30' tall 'stump' were discussed for removal while the tree service was on-site. Both were more than 50' from the wetland and verbal permission was granted. A call came in late last week that tree(s) were being removed near the brook on-site. An Enforcement Order was issued to halt work following discussion with DEP. Request here is for the Commission to affirm that Enforcement Order.

D. Whitaker asked and received confirmation that this Order will not halt the septic work.

D. Whitaker motioned to affirm the Enforcement Order. K. Wante seconded the motion and all present voted aye via roll call.

16 Island Road – Ryan McCauley

An agenda item for preliminary discussion of possible project(s) at 16 Island Road was requested. No one is present to discuss.

Chair opened up for final public comments and other items from members. None were forthcoming.

K. Wante motioned to adjourn the meeting. D. Whitaker seconded the motion and all present voted aye via roll call.

The meeting was ended at 7:14pm by the Chair K Bradley.