

Approved
TOWN OF WINCHENDON

6 / 10 / 21
AS Manugian



Conservation Commission Regular Meeting/Public Hearing Minutes

May 13, 2021 remotely at www.zoom.com

Meeting ID: 891 5038 1529

Passcode: 7171809

Members Present: Kyle Bradley, David Whitaker, Melissa Blanchard, Ken Wante
Members Absent: Lionel Cloutier
Others Present: Alison Manugian (Conservation Agent), Angel Lehtonen, Cindy Fitch, Ryan McCauley, Sarah Monfreda, Tim & Janice Hebert, Jeremiah & Leah Stancombe, Paul Grasewicz, Dustin McEwen, Courtney Roberts, Nathan Schroeder, Chris Hart
Meeting called to order by Chair Kyle Bradley at 6:00pm.

A Manugian congratulated Melissa Blanchard for completing the necessary coursework with the Massachusetts Association of Conservation Commissions to obtain her Fundamentals Certificate.

K. Wante made a motion to approve the minutes of April 8, 2021. D. Whitaker seconded the motion and all present voted aye via roll call vote.

Notice of Intent Hearing Continuation

DEP 345-0717

- Applicant: Chris and Tracey Brennan of CTB Enterprises dba Rooterman
- Project Address: Gardner Road Assessor's Map 9, Parcels 17
- Description: work includes grading, stormwater management, paved driveway and parking lot between 50' and 100' from the wetland with a new commercial building.

M. Blanchard motioned to open the public hearing. D. Whitaker seconded the motion and all voted aye via roll call.

A Manugian stated the applicant responded to Tighe & Bond comments and made modifications

- P. Grasewicz, engineer for the applicant, stated that a recent test pit showed that the northern detention area won't function for detention or as a dry basin. Changes have made that a meandering pocket wetland and the plans have been updated. The drainage in Route 140 has been reviewed and updated – Mass DOT records are scarce.
- A Manugian clarified that this is open with the Planning Board and that the Commission could continue pending decision or could act now and make it conditional upon PB approval.

M. Blanchard motioned to close the public hearing, D. Whitaker seconded and all voted aye.

D. Whitaker motioned to issue an Order of Conditions with standard language. K. Wante seconded the motion and all voted aye via roll call.

Notice of Intent Hearing Continuation

DEP 345-0725

- Applicant: Cindy Fitch
- Project Address: 6 Island Road; Assessor's Map 6, Parcels 9
- Description: The proposed work includes addition to the existing home and installation of new septic system and artesian well and previous unpermitted fill and tree removal.

- A Manugian stated that no new NOI application has been received and the violations will be discussed at the end of the meeting under Enforcement Orders.

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- N. Schroeder clarified that a planting plan was submitted and a building permit is in progress. The reduced site plan came in as part of the permit set.

D. Whitaker motioned to continue the hearing to 6:05pm on June 10th. M. Blanchard seconded and M. Blanchard, D. Whitaker and K. Bradley voted aye. K. Wante recused himself from this hearing as a neighbor (not an abutter).

Notice of Intent Hearing

DEP

- Applicant: Christopher Hart
- Project Address: 436 Maple Street; Assessor's Map 3D1, Parcels 22
- Description: The applicant is seeking after the fact permission to place a shed in the riverfront area. He would also like permission to install a fence along the road and to grind stumps. The entire property is within the riverfront area.

- A Manugian read the hearing notice and **M. Blanchard motioned to open the public hearing. K. Wante seconded and all voted aye via roll call.**
 - A Manugian offered a summary of the site, which is entirely in the riverfront area. The shed has been erected and the owner would like to remove stumps and install a fence along the roadway.
 - K. Bradley stated that the shed is not in the Commission's purview as it's not a permanent structure.
 - C. Hart, owner & applicant, plans to use a skid steer to access the stumps
 - D. Whitaker stated that the stumps are older and he has no issue with the grinding or the fence as the entire parcel is within the riverfront area.
 - K. Bradley stated there are many homes in Winchendon like this that would probably not be permitted now.
 - M. Blanchard drove by and has no issue with stump removal as it's very flat and dry
 - K. Wante agrees and hopes a fence would help keep kids out of the river
- D. Whitaker motioned to close the hearing. M. Blanchard seconded and all approved via roll call. M. Blanchard motioned to issue an Order of Conditions with erosion controls as required by the agent on-site. D. Whitaker seconded the motion and all voted aye via roll call.**

Request for Determination of Applicability Public Hearing

- Applicant: Keith Morris – Pan Am Railways
- Project Address: Railway Rights of Way throughout Winchendon
- Description: The applicant is seeking verification of the previously affirmed delineation. Any area within 10' of a resource area will be passed over for herbicide applications.

M. Blanchard motioned to open the public hearing. K. Wante seconded and all voted aye via roll call.

- A Manugian summarized that this is a recurring confirmation of wetland boundaries so that Pan Am Railways knows where to limit spraying of rail line herbicides. The last two rounds have shown no changes and there don't appear to be any now either.

M. Blanchard motioned to issue a negative determination. D. Whitaker seconded and all present voted aye via roll call.

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Request for Determination of Applicability Public Hearing

- Applicant: David Anderson
- Project Address: 5 Monomonac Road East
- Description: The applicant is seeking permission to remove a large pine near the lake.

K. Wante motioned to open the public hearing. D. Whitaker seconded the motion and all voted aye.

- A Manugian read the public hearing notice and summarized that there is a single mature pine on the beach that is dropping limbs on the neighbor's land. The limbs continue to damage property and pose risk.
- K. Bradley stated that he drove by and the tree is likely to continue to drop limbs and is a danger.
- D. Whitaker stated that the pine leans toward the neighbor and that as a mature tree it will now only decline. The top is broken already.
- K. Wante supports removal and M. Blanchard has no issues

D. Whitaker motioned to close the hearing. M. Blanchard seconded and all vote aye via roll call.

D. Whitaker motioned to issue a negative determination. K. Wante seconded and all voted aye via roll call.

Request for Determination of Applicability Public Hearing

- Applicant: Carlton Grady
- Project Address: 25 Beachview Drive
- Description: The applicant is seeking permission to remove a 2 large pines near the lake.

- A Manugian read the public hearing notice
- M. Blanchard motioned to open the public hearing. K. Wante seconded the motion and all voted aye.
- C. Grady outlined the project – there are two large pine trees near the retaining wall at the shoreline. One has been damaged by lightning – limbs and a tree fall would be very damaging and the increased storms/wind are of concern.
- K. Bradley stated that they appear to be typical of other large problem pines in the area
- K. Wante has no issues with removal
- M. Blanchard noted that the left tree is damaged 20' up and should be removed
- D. Whitaker noted that these pines have a tendency to snap and drop, which is dangerous
- C. Grady noted that the landscaping already done was shown on the plan for an Order in 2004
- A. Manugian noted that the list of other landscaping in the hearing notice was in error
- D. Whitaker asked about intent for the stumps
- C. Grady responded that they would like to grind them and that the removals would be done by crane by Jacoby Tree Service.

M. Blanchard motioned to close the hearing. K. Wante seconded and all vote aye via roll call.

D. Whitaker motioned to issue a negative determination with erosion controls to be installed per agent on-site visit. K. Wante seconded and all voted aye via roll call.

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Notice of Intent Hearing

DEP

- Applicant: Tim & Janice Hebert
- Project Address: 287 Ash Street; Assessor's Map 9, Parcels 315
- Description: The applicants would like to remove trees that are a risk in storms and a security concern.

A Manugian read the public hearing notice and **M. Blanchard moved to open the public hearing. D. Whitaker seconded the motion and all voted aye via roll call.**

- T. Hebert outlined that they have had concerns about the trees on the property for some time, they want to protect their new roof and vehicles in the driveway, as they have no garage. Some branches hang over the house and some trees lean toward the home. They are anxious during high winds and winter storms.
- D. Whitaker stated that he didn't get to review this one and will defer to others. If there are safety concerns the commission typically okays removal.
- K. Wante reviewed and is okay with most of the trees. He's concerned about the smaller ones on the slope and the ones further from the home near the road
- T. Hebert stated that they would like to have all the work done at once, a previous large tree near the driveway and Ash Street split a few years ago and took out the electricity.
- M. Blanchard stated that her concern is the grade from the home site down to the stream and that erosion will be an issue once trees are removed.
- J. Hebert stated that she would like to install pachysandra, lilacs and rhododendrons
- K. Bradley stated that they need a plan to stabilize the slope
- A Manugian asked about the intent with the stumps.
- J. Hebert stated that they will cut the trees as close to the ground as possible and leave them
- A Manugian asked about the need to remove all of the trees and concerns about erosion, noting that this is another home that would likely not be permitted today. It's very hard to allow construction so close to wetlands then to prohibit work that would typically be permitted in conjunction with a residence.

K. Wante motioned to close the hearing. D. Whitaker seconded and all voted aye via roll call.

M. Blanchard motioned to issue an Order of Conditions with standard language, use of a professional tree removal company and stumps to remain. D. Whitaker seconded the motion and all voted aye via roll call.

Notice of Intent Hearing

DEP 345-0722

- Applicant: Jeremiah & Leah Stancombe
- Project Address: 93 Mill Glen; Assessor's Map 11, Parcels 211
- Description: The applicants would like to build a new home within 100' of wetlands.

- A Manugian read the public hearing notice.

D. Whitaker motioned to open the public hearing. M. Blanchard seconded the motion and all voted aye via roll call.

- A Manugian summarized the project – a single family home surrounded on three sides by wetland areas. There are existing cart paths on the site. The plan shows wetlands that are a bit misleading – they are actually sourced out of culverts and continue as narrow wetland areas. The survey done originally only picked up the internal (houseward) flags which is misleading.
- J. Stancombe outlined that there is no structure proposed within the 75' buffer zones and that the driveway follows an existing cart path.
- K. Bradley and D. Whitaker opined that this is a tight site and erosion controls are shown at the 50' buffer.

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- K. Wante sees no other developable option on site
- A Manugian agreed that this is tight but they seem to have been pretty cautious.

M. Blanchard motioned to close the public hearing. D. Whitaker seconded the motion and all voted aye via roll call.

K. Wante motioned to issue an Order of Conditions with standard language and to inspect erosion controls after installation. M. Blanchard seconded and all voted aye via roll call.

Notice of Intent Hearing

DEP 345-0726

- Applicant: Edward Roberts
- Project Address: West Street; Assessor's Map 1, Parcels 103
- Description: The applicants would like to build a new home within 100' of wetlands.

M. Blanchard motioned to close the public hearing. D. Whitaker seconded the motion and all voted aye via roll call.

- A Manugian read the public hearing notice and summarized that this is a single family home proposed with a garage under in the wetland buffer.
- J. Deline, engineer for the applicant, summarized that this is a large lot of 8-9 acres with a pond used previously for ice cutting. Robbins Brook cuts through the parcel unrelated to this man made pond. The proposed residence is a 4 bedroom home with a garage under, accessed from the right side. They would like to pour the foundation for a secondary garage for future construction. This garage will be used for tool storage. The house is outside of the 100' buffer and the driveway is outside of the 50' buffer and the septic is far from the wetlands. The site is gravel and drains very quickly. The current location is really the only that works for a drive under garage.
- D. Whitaker doesn't love the layout and approach but doesn't see other alternatives that work
- K. Bradley asked about the option for a straight in driveway
- J. Deline outlined that this option would require a retaining wall and would be much steeper
- K. Wante and J. Deline clarified that the plan shown on screen is different from what was in the packet. This adds the second garage and moved the house further from the wetland.
- M. Blanchard asked about runoff from the driveway and toward the wetland
- J. Deline emphasized the gravelly nature of the site that means there is little if any runoff and that the proposed site is less steep than the existing site.
- K. Bradley reiterated the need for erosion controls.
- A Manugian asked if a drive under garage is vital to the design
- J. Deline estimated that a garage at grade would likely add at least \$80k to the construction cost.

M. Blanchard motioned to close the public hearing. D. Whitaker seconded the motion and all voted aye via roll call.

M. Blanchard motioned to issue an Order of Conditions with standard language. K. Wante seconded and all voted aye via roll call.

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Notice of Intent Hearing

DEP

- Applicant: Bonnie & Steven Stone
- Project Address: Hale Street; Assessor's Map 8, Parcels 19
- Description: The applicants would like to build a new single family home within 100' of wetlands and construct a driveway crossing the wetland.
 - A Manugian read the public hearing notice and **M. Blanchard motioned to open the public hearing. K. Wante seconded the motion and all voted aye via roll call.**
 - A Manugian summarized that this is a narrow deep parcel created recently via ANR through the Planning Board. The hearing can't be closed this evening as no DEP file number has been assigned.
 - P. Grasewicz, engineer for the applicant, outlined that the owners are eager to build on this parcel and that initially perc testing was done in the middle of the lot. When snow melted additional wetlands were found – the finger and a small front isolated wetland. He initially felt the lot may be unbuildable and the owners are in the process of obtaining more land to the rear from the original owner. There is a knoll in the back that could work with additional land.
 - A Manugian asked if the front wetland fingers are naturally occurring or began as a human impact.
 - P. Grasewicz stated that they are natural and that the front finger is about 2,000sf.
 - A Manugian indicated curiosity about filling and replicating front wetland areas rather than crossing the wetland and disturbing the entire depth of the site.
 - P. Grasewicz indicated that he driveway is an old cart road and that there are no trees to remove and little additional disturbance.
 - P. Grasewicz indicated that they could build up front but there would be impact within the wetland and ultimate construction would likely be around 50' from the wetland.
 - B. Stone indicated that they have the land under agreement and it will be surveyed and transfer upon approval of the second ANR with the Planning Board. They would prefer to develop up front and save on the cost of the driveway and utilities. They didn't know about the wetlands when they purchased the land.
 - P. Grasewicz indicated that there is plenty of space and logical places to replicate wetlands if needed
 - K. Wante indicated he would like to see a layout up front to understand the impacts.
 - B. Stone indicated that they would be happy to consider replication and front construction and will work with P. Grasewicz.

M. Blanchard motioned to continue the public hearing to 6:10pm on June 10th. K. Wante seconded and all voted aye via roll call.

Notice of Intent Hearing

DEP

- Applicant: Lickety Splitz
- Project Address: 231 Main Street; Assessor's Map 7A4, Parcels 8
- Description: Construction of a new septic system and related grading and site work.
 - A Manugian read the public hearing notice and **M. Blanchard motioned to open the public hearing. K. Wante seconded the motion and all voted aye via roll call.**
 - A Manugian summarized that they are looking to replace the existing septic system and that the parking area and poor soils have restricted the location on site
 - P. Grasewicz stated that they did several test pits looking for appropriate soils. Installation in the front area would need to be a raised system that eliminates existing parking. The good soils near the existing system make most sense.
 - D. Whitaker and M. Blanchard indicated no concerns

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- K. Wante asked for clarification that the new system will be further from the wetland than the existing system is
- P. Grasewicz confirmed this
- **M. Blanchard motioned to continue the public hearing, pending a DEP file number, to 6:15pm on June 10th. K. Wante seconded and all voted aye via roll call.**

Other Business:

West Solar 1 – Post site visit discussion of 40' of remaining bouldered area

- A Manugian summarized that there remains a section of bouldering that is about 40' long. When they began to dismantle it they discovered that the boulders underlay the ground further than they anticipated. They would like to rip rap this section and allow for stability and eventual regrowth. They would loam and seed the top area along with the remaining areas cleared of boulders.
- K. Wante and M. Blanchard indicated that this is a good approach.
- D. Whitaker agreed that rip rap makes most sense
- Abutter S. Monfreda indicated that this is a realistic approach.
- A Manugian indicated that with the consensus of the commission Nexamp can move forward with the work as they outlined in the site walk. Boulders on S. Monfreda's property should be fully removed in accord with the plans discussed.

Certificates of Compliance Requested

37 Happy Hollow Road 345-0542 & 345-0553

Two different orders need to be closed out. One was for installation of wetland crossing that is completed and appears to be all set. The other order was for a single family home in the buffer that was never started. The applicant will come forward with new plans if the next steps impact buffers. Release of the orders is needed to clear the title for financing purposes. **M. Blanchard made a motion to issue a Certificate of Compliance for each Order. K. Wante seconded and all voted in favor via roll call.**

49A Washington Ave Extension 345-7000

A Manugian summarized that this is in regard to the first of the NOIs submitted, for which an Order was issued last fall. After this Order is closed out an ANR endorsement can be applied for creating the building lot. Once the lot is created the NOI for the duplex construction can be reopened.

D. Whitaker, K. Wante & K. Bradley indicated no questions

M. Blanchard expressed confusion about the processes

K. Wante motioned to issue the Certificate of Compliance as requested. D. Whitaker seconded and all approved via roll call vote.

Violations/Enforcement Orders

385 Glenallen Street – Richard Jameson

This violation is open from last summer when the owner filled the edge of Lake Monomonac to expand his gardens. A plan for restoration was agreed to with the Agent, Owner and his Attorney. All work has been completed and the site looks good. The applicant's attorney requested that the Commission consider waiving the fine and indicated intent to fight the

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fine in court. **K. Wante motioned to waive the single one-day fine. M. Blanchard seconded the motion and all voted aye via roll call.**

6 Island Road – Cindy Fitch

A Lehtonen outlined the proposed restoration plan with a large corner tree, birch trees, native blueberry bushes, arborvitae and lilacs.

A Manugian asked about upkeep and advisability to keep plants in off the property line enough to allow for maintenance

R. McCauley, abutter, indicated his concern about the height and size of the planting plan. He feels it is a spite fence intended to block his view and that it may impact his future options on his parcel.

A Manugian asked about the arborvitae heights and A Lehtonen stated 50-60' high

D. Whitaker reminded everyone that this discussion has been ongoing for a long time and that had advance permission been requested it would likely have been granted. He understands some Ryan's concerns but the arborvitae will be slow going and some compromise is needed.

K. Bradley stated that the Commission is not for reviewing neighbor disputes

M. Blanchard stated that the plan matches her expectations and works with the wetland

K. Bradley stated that the plantings need to be maintainable from the applicant's property

R. McCauley stated that he doesn't appreciate disparaging comments about him and that he doesn't really want to be involved in the project in any way, but must be

K. Bradley reminded everyone that people have rights to do as they wish, within regulations, on their own property.

A Manugian clarified the consensus of the acting members (K. Wante recused himself) that the plan meets the needs for restoration and will work with C. Fitch to finalize things.

566 Lakeview Drive – Matthew Perezin

A Manugian stated that this is a new violation and the owner has been notified by mail. A tree/trees were cut down within 100' of the wetland.

D. Whitaker motioned to adjourn, and M. Blanchard seconded the motion. All approved via roll call vote and the Chair adjourned the meeting at 8:16pm.