

04/19/18**TOWN OF WINCHENDON  
CONSERVATION COMMISSION MINUTES**

Thursday, March 15, 2018  
Town Hall, 2<sup>nd</sup> Floor Auditorium  
109 Front St., Winchendon, MA 01475

**RECEIVED****APR 30 2018**

WINCHENDON TOWN CLERK

**Present:**

Kyle Bradley, Acting Chairman  
David Koonce, Conservation Agent  
David Whitaker, Member  
Tony George, Member

Katie Broome, Recording Secretary

**Absent:**

Lionel Cloutier, Member  
Garrett Davieau, Chairman

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**List of Documents Presented At Meeting:**

- N/A
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**7:00PM Town Hall Meeting**

The meeting was called to order at 7:09 PM by Kyle Bradley, Acting Chairman in Garrett Davieau's absence, and all stood for the pledge of allegiance.

**Approval of Minutes:**

There were no minutes awaiting approval of the board.

**Bills:**

- \$75.00 bill to pay Recording Secretary. Mr. Whitaker motioned to approve the payment of this bill. Mr. George seconded the motion.

BRADLEY: Y WHITAKER: Y GEORGE: Y

**Request for Determination Of Applicability:**

Mr. Whitaker brought forward the Request for Determination of Applicability for Robert and Marilyn Richard for their property at 102 Baldwinville Rd. Their representative, Chris Mackenzie explained that there is an existing house in the center of the property that has a failed septic tank and leach field. Mr. Mackenzie has designed a new Presby Septic System, which reduced the size of the system. While there is the tip of a wetland nearby, the septic system would be outside the 50' and 100' buffer zones. However, Mr. Mackenzie had found an old well on the property that would need to be drained and filled with sand, and he has made the contractors that are bidding on the project aware of it. The project would take less than a week to accomplish. Mr. Koonce asked if the Presby system was approved by Board of Health Agent James Abare, and Mr. Mackenzie replied that it had been. As of this meeting, there are three bidders being taken into consideration by the MRPC to take the project. Mr. Koonce asked Mr. MacKenzie if he could email him the name and contact information for MRPC so he can communicate directly with them, and Mr. Mackenzie agreed. Mr. Whitaker motion to approve the request. Mr. George seconded the motion.

BRADLEY: Y WHITAKER: Y GEORGE: Y

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**Notice of Intent:**

The notice of intent for Samantha and Sean Harding for the property of 89 Mill Glen Rd. has been postponed until the wetlands on their property can be flagged. They have been unable to do so due to weather, and are looking for another continuance for the Notice of Intent until the Conservation Commission Meeting of April 19<sup>th</sup>, 2018. Mr. Whitaker motioned to approve the continuance for the Notice of Intent. Mr. George seconded the motion.

BRADLEY: Y WHITAKER: Y GEORGE: Y

**Request for Determination Of Applicability:**

Mr. Whitaker brought forward the Request for Determination of Applicability for Peter Girouard for the property of 32 South Royalston Rd. for the construction of a detached 24' x 36' garage with a four foot frost wall. Mr. Girouard would like to build this garage at a 45 degree angle from his house, as to not block sun to his sun room. Mr. Koonce stated that the garage would be within the 75' no build setback, and due to the fact that there is an alternative location for the garage, it is unlikely a waiver to build within the 75' setback will be granted. Mr. George noted that building in this location would put construction within the 50' no disturb area. Mr. Whitaker added that, in order to be granted the waiver, the building in question would also have to benefit the community, which the garage would not do. After speaking with the commission, Mr. Girouard had pointed out a second location, further from his home on the property that would be an alternate location for the garage. This location, being further from the wetlands, would no longer require the Conservation Commission's approval, but would instead just require Mr. Koonce's verification. Mr. Girouard would be willing to relook at locations for his garage, and asked for a continuance for his request to April 19<sup>th</sup>, 2018. Mr. George motioned to approve the continuance for this request. Mr. Whitaker seconded the motion.

BRADLEY: Y WHITAKER: Y GEORGE: Y

**Notice of Intent:**

Mr. Whitaker brought forward the Notice of Intent for Borrego Solar Systems, Inc. for the property of 135 Gardner Rd. Borrego Solar Systems is looking for a continuance of this Notice of Intent to the Conservation Commission meeting of April 19<sup>th</sup>, 2018, due to the fact that the Commission's consultant found that the wetlands on the property are more extensive than they were originally thought to be by the applicant's consultant, and contained multiple isolated vegetative wetlands. The applicant's consultant first needs to agree that these wetlands are present, which has not yet been able to happen, due to the weather, so a continuance is needed.

Mr. Whitaker moved to approve the continuance. Mr. George seconded the motion.

BRADLEY: Y WHITAKER: Y GEORGE: Y

**Old Business:**

***Teel Rd. Violations***

The Massachusetts DEP is looking to possibly pursue legal action under the Winchendon Wetlands Protection Bylaw for violations found on Teel Rd., at the Powell Stone and Gravel property. Due to these violations the Conservation Commission would look to town counsel to

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consider also taking action for the violations. Mr. Whitaker noted that the commission could reach out to the Massachusetts DEP and hopefully be kept in the know for what actions are being taken against the violations. Mr. George added that he and Mr. Cloutier had quickly looked at the site of these violations and saw that there were indeed blatant violations against the Wetlands Protection Bylaw. Mr. Koonce agreed that the Massachusetts DEP feels the same, and that Town Manager Hickey would agree with the Conservation Commission if they felt they wanted to seek town legal counsel for this issue. Mr. Whitaker motioned to contact town counsel. Mr. George seconded the motion.

BRADLEY: Y   WHITAKER: Y   GEORGE: Y

**New Business:**

*Robert's Way Construction*

A commercial road that is being built on rte. 140 is starting to put in erosion control and asked for permission to continue doing so. The Conservation Commission had received some concerns for the deep mud and large ruts made by the excavators, noting that the trucks and machinery may get stuck. Mr. Koonce spoke with Mr. Van Dyke's contractor, who said that the excavators will be used only a limited amount, and the workers will be walking into the ½ acre area where the logging will be taking place, then they will build the road, then taking the logs out. Mr. Koonce went on to say that it's in the subdivision rules and regulations to have a site compliance monitor, hired by the town, at the applicant's expense, to do regular site inspections, to monitor for compliance. The Conservation Commission could bring up the assignment of a monitor to this project to the Planning Board. Mr. Whitaker moved to draft a letter to the Planning Board, recommending a site compliance monitor for the Robert's Way construction, to be signed by the Chairman of the Conservation Commission. Mr. George seconded the motion.

BRADLEY: Y   WHITAKER: Y   GEORGE: Y

**ADJOURNMENT:**

Mr. George moved to adjourn the meeting at 8:00 PM. Mr. Whitaker seconded the motion.

BRADLEY: Y   WHITAKER: Y   GEORGE: Y

