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Conservation Commission

Telephone (978)-297-5402

Regular Meeting/Public Hearing

September 26th, 2019

Town Hall 2nd Floor Auditorium

109 Front Street, Winchendon, MA 01475

PRESENT: Vice-Chairman David Whitaker, Tony George, Kyle Bradley
David Koonce, Conservation Agent
Brianna Roberts, Recording Secretary

ABSENT: Chairman Garrett Davieau

MATERIALS: Agenda & Notice of Meeting: September 26th, 2019
Legal Notice: 294 Main Street; Assessor's Map 7B-4, Lot 2

CALL TO ORDER: David Whitaker called the meeting to order at 7:00PM

MINUTES: Due to the absence of Chairman Garrett Davieau, the approval of minutes was postponed to the next meeting.

BILLS: David Whitaker made a motion to pay the secretary for the minutes of August 15th, 2019 and September 12th, 2019, 2nd by Tony George.

VOTE- Unanimously approved to pay the secretary.

NEW BUSINESS: David Koonce stated it was too late to place on the agenda but he received a request for a certificate of compliance for 421 School Street, dated back to 2003 for new construction and septic system. The closing was scheduled for September 30th, 2019. David planned on doing a site inspection the following day and asked the members to sign provisionally pending the site inspection. Tony George made a motion to approve pending the site inspection, 2nd by Kyle Bradley.

VOTE- Unanimously approved.

HEARINGS:

7:05PM RDA, Request for Determination of Applicability (After-the-fact-filing)

Project Address: 294 Main Street; Assessor's Map 7B-4, Lot 2

Applicant: Frank Yavorsky

Representative: Self

Project Description: Construction of a 24' x 20' (480 square feet) deck and mitigation of wet basement problems.

David Whitaker read the public hearing notice.

David Koonce announced the notice that was read was correct, but the notice that was published was printed incorrectly stating it was 12' x 20' instead of the correct 24' x 20' deck.

Frank Yavorsky was applying to build a deck on the backside of his house. One pillar of the deck was 61'-62' from the corner to the wetland area. The deck would be built on 4 sonar tubes, 12' from the house. Tony George commented the pictures should have measurements for the record but since it was explained at the meeting it was still on record. No further comments or questions from the members.

Tony George made a motion to close the hearing, 2nd by Kyle Bradley

VOTE- Unanimously approved to close the hearing.

Tony George made a motion for Negative Determination, 2nd by Kyle Bradley.

VOTE- Unanimously approved a Negative Determination.

7:10PM Notice of Intent (After-the-fact-filing)

Project Address: 210 Alger Street; Assessor's Map 8A-1, Lot 52

Applicant: Steven Curtis

Representative: Mark Popham

Project Description: Construction of a new subsurface sewage disposal system to serve a two-bedroom single-family house to be converted from an existing barn/garage. The project also entails restoration plantings.

Tony George recused himself as an abutter. The commission did not have a quorum and would not be able to vote.

The plan was to plant 15 Arborvitae trees along the stonewall area 6'-8' apart, which tend to grow 10"-18" a year. If approved at the next meeting, the applicant would plant the trees in 10 days.

Ben Rota, the son of Cheryl Rota, an abutter, came forward before the board. He would like to see the restoration completed before the permit is granted for the septic system. David Koonce commented that it would require another continuation so it might be easier and quicker to add that requirement in the order of conditions. Mr. Rota asked if there were any conditions requiring the replacement of any dead trees within the first year. Mr. Koonce stated that could be added to the conditions.

Steven Curtis asked for a continuance to the next hearing.

The hearing would be continued to the next meeting on October 10th.

7:15PM Notice of Intent (cont'd)

Project Address: 610 School Street; Assessor's Map 1, Lot 246

Applicant: All American Builders, Inc.

Representative: Paul Grasewicz, GRAZ Engineering, LLC.

Project Description: Construction of a new three-bedroom house, associated driveway access and septic system, installation of utilities, grading and landscaping.

The hearing was on the agenda by mistake and was rescheduled to the next meeting on October 10th.

7:20PM Notice of Intent (cont'd)

Project Address: 185 Baldwinville Road; Assessor's Map 13, Lot 4

Applicant: Sunpin Solar Development, LLC.

Representative: Stephen Herzog, AMEC Massachusetts, Inc.

Project Description: Construction, operation, and maintenance of a 3.135-megawatt direct current ground-mounted solar photovoltaic system, including access road, perimeter fence, storm water management infrastructure, grading, and landscaping.

David Koonce received a request for a continuance to the next hearing. The storm-water compliance review was still pending.

Tony George made a motion to continue the hearing to October 10th, 2nd by Kyle Bradley.

VOTE- Unanimously approved to continue the hearing on October 10th, 2019.

7:25PM Notice of Intent (cont'd)

Project Address: River Street, Assessor's Map 4, Lot 61 and Parcel 109, and Map 4C-4, Lot 2.

Applicant: 580 River Street, LLC.

Representative: Dwight Dunk, Epsilon Associates, Inc.

Project Description: Capping the former Mabardy Landfill pursuant to Massachusetts Solid Waste Regulations 310 CMR 19.000.

Bruce Haskell with Langdon Environmental, LLC came forward before the board. He explained they met with the commission in August and were asked to wait for the peer review comments, which were received yesterday. MA DEP had a few comments and they responded about a week ago. The primary comment the DEP made was related to some isolated wetlands that were not outlined in the town or state jurisdiction. The wetlands recognized were present due to lower points in the topography.

David Koonce stated he was uncomfortable closing the hearing due to receiving the peer review comments so late and not having the responses to the comments in writing yet.

Jean Christy, senior engineer with Tighe & Bond came forward to discuss a few comments. She believed it would comply with the MA storm water standards with a few minor changes. Regarding the proposed cut within the basin areas, she suggested possibly adding to the conditions to test and make sure ground water would not be an issue. The erosion control barriers were proposed using woodchips berms, since stakes would not be appropriate due to it being a landfill.

Melissa Coady, environmental project manager with Tighe & Bond came forward to discuss evoking limited project status.

Tony George commented that he would not vote on the project until Tighe & Bond were completely satisfied with the changes. He wanted clarification on whether the site was actually classified as a landfill or was just a demolition pit. Mr. Haskell stated the site was site-assigned by the town's board of health as a construction and demolition waste landfill. It is listed by MA DEP as a landfill on their database and has

been required to conduct assessments and submit closure plans in conjunction with solid waste regulations, which are the landfill regulations.

Tony George commented that 400,000 cubic yards of fill seemed excessive and asked if the fill would extend into other areas of the gravel pit. Mr. Haskell responded that the fill would primarily cover the landfill area with some extension. The policy MA DEP has in place states that unwanted fill from city projects would be transported to cap old landfills and fund the majority of the capping.

Marie McKinnon, an abutter, came forward. She asked why the proposed fill was such a large amount and what the minimum would be. Ms. Haskell stated he did not know of the minimum and the fill is site specific. The fill would be tested before being brought in. Due to the age of the landfill, it did not have a liner in place. Testing had been done regarding the ground water to check for contaminants and the results stated there was no significant impact to the ground water/river. Ms. McKinnon estimated that it would take 19,000 trailer loads to bring in the amount of fill proposed and had concerns regarding the road and the neighborhood residents.

David Koonce commented that it was rumored the excess amount of fill being brought in worked in two ways, as a way to get rid of unwanted fill from big city projects but also to fund the capping. Kyle Bradley asked if the recipient was paid to receive the fill and Mr. Haskell confirmed.

MA DEP supersedes the wetland protection act and therefore further conditions need to be discussed in order to determine the requirements for limited project status.

James Agnelli, an abutter, came forward. His concern was in regards to the excess of fill being brought in.

Leona Goodwin, an abutter, came forward. She attended land court in the past regarding the landfill and the judge denied the owner to complete any further projects due to it being a residential area.

Gus Costa, an abutter, came forward. He commented that the landfill already seemed capped, there's natural growth and no debris present. He did not believe it was worth bringing in that much fill.

David Whitaker asked if DEP would hold a public hearing to hear the local concerns and answer the questions the commission did not have the answer or jurisdiction for. Mr. Haskell responded that they have to make a presentation for the Board of Selectmen and that may help addressing some concerns.

Bruce Haskell asked for a continuance to the next meeting on October 10th, 2019.

Tony George asked if the applicant had an issue with the members visiting the site. Mr. Haskell was unsure but would check and let Mr. Koonce know.

Tony George made a motion for to continue the hearing to October 10th, 2nd by Kyle Bradley.

VOTE- Unanimously approved to continue the hearing on October 10th, 2019.

NEW BUSINESS: None.

OLD BUSINESS: None.

Tony George made a motion to adjourn, 2nd by Kyle Bradley.
VOTE- Unanimously approved to adjourn.

ADJOURNMENT: 8:38PM

Respectfully submitted,

Brianna Roberts

Brianna Roberts, Conservation Commission Recording Secretary

Garrett Davieau, Chairman

David Whitaker

David Whitaker, Vice-Chairman

Tony George

Tony George

Kyle Bradley

Kyle Bradley