

Approved: 10/10/19

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WINCHENDON TOWN CLERK

# TOWN OF WINCHENDON



## Conservation Committee

Telephone (978)-297-5419

### Regular Meeting/Public Hearing

September 12<sup>th</sup>, 2019

Town Hall 2<sup>nd</sup> Floor Auditorium

109 Front Street, Winchendon, MA 01475

**Present:** Chairman Garrett Davieau, David Whitaker, Tony George  
David Koonce, Conservation Agent

**Materials:** Agenda & Notice of Meeting: September 12<sup>th</sup>, 2019

- Legal Notice: 16 Island Road; Assessor's Map M-6, Lot 8
- Legal Notice: 8 Baldwinville State Road; Assessor's Map 7A-4, Lot 56
- Legal Notice: 210 Alger Street, Assessor's Map 8A-1, Lot 52
- Legal Notice: 110 Welch Road; Assessor's Map 13, Lot 33
- Legal Notice: 610 School Street; Assessor's Map 1, Lot 246

**CALL TO ORDER:** Chairman Garrett Davieau called the meeting to order at 7:00PM

**NEW BUSINESS:** The town received a first right of refusal for a 3-4 acre property on Elmwood/Forristall Road. The property was under Chapter 61A and the owner expressed they wanted to sell. The town needed to make a decision on whether or not to exercise their right of refusal and buy the property. 40 additional acres next to the parcel would be the building site but the 3-4 acre property is already a protected parcel. Nathan Schroeder, an abutter at 106 Elmwood Road came forward and let the board know he was there to represent both the buyer and the seller. The board members did not find any reason to pursue the right of refusal.

David Whitaker made a motion to waive the right of refusal, 2<sup>nd</sup> by Tony George.

**VOTE-** Unanimously waived the right of refusal.

## HEARINGS

**7:05PM RDA, Request for Determination of Applicability**

**Project Address:** 16 Island Road; Assessor's Map M-6, Lot 8

**Applicant:** Ryan McCauley

**Representative:** Self

**Project Description:** Installation of a 40-foot long permanent dock on augur poles with mud-muck botings. No vegetation will be removed.

David Whitaker read the Legal Notice.

The section of the lake off Island Road would not have any water in the winter once the water is drained down 3 feet. The board members commented that the structure would be in the 0-50 no build zone. Ryan McCauley stated it would not be completely permanent; it could easily be taken out if necessary.

Tony George made a motion to close the hearing, 2<sup>nd</sup> by David Whitaker.

**VOTE-** Unanimously approved to close the hearing.

David Whitaker made a motion for Negative Determination, 2<sup>nd</sup> by Tony George.

**VOTE-** Unanimously approved a Negative Determination.

#### **7:10PM Notice of Intent**

**Project Address:** 8 Baldwinville State Road; Assessor's Map 7A-4, Lot 56

**Applicant:** Linda Patterson

**Representative:** Mark Popham

**Project Description:** Repair/upgrade to meet Title 5 requirements for an existing subsurface sewage disposal system serving a two-bedroom dwelling.

David Whitaker read the Legal Notice.

David Koonce asked the applicant to explain why the matter was requested as "Notice of Intent" vs. "RDA". The owner wanted to file a Notice of Intent in order to be completely transparent in regards to the neighbors. Mark Popham explained the lot in question had a failed Title 5 report and is located within the 100 ft. buffer zone to a vegetative wetland. All leaching works components would be outside the 50 ft. buffer zone; however there would be some earthwork and tree removal inside the buffer zone.

Tony George made a motion to close the hearing, 2<sup>nd</sup> by David Whitaker.

**VOTE-** Unanimously approved to close the hearing.

David Whitaker made a motion to issue an order of conditions, 2<sup>nd</sup> by Tony George.

**VOTE-** Unanimously approved to issue an order of conditions.

#### **7:15PM 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.

David Whitaker read the Legal Notice.

Tony George had to excuse himself, as he is an abutter. Due to not having a full board, David Koonce explained that the members would not be able to vote tonight until he consults the Attorney General. Mark Popham explained the project and restoration plan. The structure is located in the 50 ft. no build zone but is grandfathered in due to the age. Steven Curtis previously cut down 11 trees without permission but plans on replanting a variety of oak, maple, and blueberry bushes. Benjamin Rota, an abutter, came forward to explain there were 17 trees cut down, and believed 3 ft. tall trees are not sufficient in restoration. David Koonce read an email from Cheryl Rota regarding the trees taken down.

David Whitaker suggested planting similar trees to the ones removed, taller pines/evergreens to screen the neighbors view. The board tentatively re-scheduled the matter to September 26<sup>th</sup>, 2019.

**7:25PM RDA, Request for Determination of Applicability**

**Project Address: 110 Welch Road; Assessor's Map 13, Lot 33**

**Applicant:** Steven May

**Representative:** Paul Grasewicz, GRAZ Engineering, LLC.

**Project Description:** Repair/upgrade to meet Title 5 requirements for an existing subsurface sewage disposal system serving a three-bedroom house.

David Whitaker read the Legal Notice.

All of the work would be outside of the 50 ft. buffer zone but some of it would fall in the 100 ft. buffer zone. Proposed erosion controls along the slope. No comments/concerns from the board.

Tony George made a motion to close the hearing, 2<sup>nd</sup> by David Whitaker.

**VOTE-** Unanimously approved to close the hearing.

David Whitaker made a motion for Negative Determination, 2<sup>nd</sup> by Tony George.

**VOTE-** Unanimously approved a Negative Determination.

**7:30PM Notice of Intent**

**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.

David Whitaker read the Legal Notice.

All of the work is outside the 50ft. buffer zone but there is work done in the 100 ft. buffer zone, including the driveway. They proposed erosions controls due to the buffer zone surrounding the entire parcel. The house and septic system comply with the setbacks but the driveway did not. David Koonce recommended keeping the hearing open pending review of the wetland line.

David Whitaker made a motion for to continue the hearing to October 10<sup>th</sup>, 2019, 2<sup>nd</sup> by Tony George.

**VOTE-** Unanimously approved to continue the hearing.

**7:35PM Abbreviated Notice of Resource Area Delineation (cont'd)**

**Project Address: Russell Farm Road; Assessor's Map 1, Lot 246**

**Applicant:** Fletcher Trust No. 1

**Representative:** Mikael Lassila, S.J. Mullaney Engineering, Inc.

**Project Description:** Confirmation of Wetland Resource Area boundaries.

David Koonce reviewed the modification and was satisfied. A request was made to add a line to the plan in order to show a clearer boundary. The clearing in the buffer zone was done by mistake as the process

took place in the winter when then boundaries were not as visible. The board recommended the restoration request be completed through good faith vs. an enforcement order. Active restoration would take place in the 50ft buffer zone and passive restorative within the 100ft. buffer zone.

David Whitaker made a motion to close the hearing, 2<sup>nd</sup> by Tony George.

**VOTE-** Unanimously approved to close the hearing.

David Whitaker made a motion to issue the ORAD, 2<sup>nd</sup> by Tony George.

**VOTE-** Unanimously approved to issue the ORAD.

#### **7:40PM 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.

The plan was revised to remove all work up to the 75ft. buffer zone line. The existing entrance was not removed from the buffer zone, as it was pre-existing and thought to do more damage creating a new entrance. The size of the system was reduced by 1,200 modules and reduction of cutting by 3 acres. The original size was 3.9 megawatts and would now be 3.5 megawatts. The peer review still needed to be done, and a request to continue to the hearing to the next meeting was made.

Tony George made a motion for to continue the hearing to September 26<sup>th</sup>, 2019, 2<sup>nd</sup> by David Whitaker.

**VOTE-** Unanimously approved to continue the hearing to September 26<sup>th</sup>, 2019.

#### **7:45PM 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.

Peer review had not been done yet and comments from the DEP were just recently received. David Koonce received an email earlier requesting a continuance.

Tony George made a motion for to continue the hearing to September 26<sup>th</sup>, 2019, 2<sup>nd</sup> by David Whitaker.

**VOTE-** Unanimously approved to continue the hearing to September 26<sup>th</sup>, 2019.

#### **7:50PM Notice of Intent (cont'd)**

**Project Address:** Lot-A and Lot-C Robert's Way; Assessor's Map 9, Lot 393

**Applicant:** Barkley Enterprises, LLC.

**Representative:** Paul Grasewicz, GRAZ Engineering.

**Project Description:** Construction of pavement and storm water management infrastructure serving two (2) proposed garages (Lot-A) and five (5) proposed storage buildings (Lot-C).

Revision was sent to the Peer Reviewer last month and the applicant was still waiting to hear back from them. A wetlands representative was sent out to further analyze the replication. VanDyke completed the work; the wetlands representative revisited the site and was content with the replication. A few drainage basins have been rough graded. Since the logging still needed to be completed, they did not want to do any further work on the access road until that part of the project is finished. The planning board needed to grant site plan approval to allow the logging.

Tony George made a motion for to continue the hearing to October 10<sup>th</sup>, 2019, 2<sup>nd</sup> by David Whitaker.  
**VOTE-** Unanimously approved to continue the hearing to October 10<sup>th</sup>, 2019.

**8:00PM Notice of Intent (cont'd) (After-the-fact filing)**

**Project Address:** 291 Glenallen Street; Assessor's Map M-9, Lot 71

**Applicant:** Darren Senecal

**Representative:** Arthur Allen, EcoTec, Inc.

**Project Description:** Restoration planting, creation of waterfront/beach (including existing dock), and installation of privacy fencing.

The owner contacted Paul Grasewicz to hire him as the engineer but he had not visited the site yet. Paul requested a continuation.

David Whitaker made a motion for to continue the hearing to October 10<sup>th</sup>, 2019, 2<sup>nd</sup> by Tony George.  
**VOTE-** Unanimously approved to continue the hearing to October 10<sup>th</sup>, 2019.

**OLD BUSINESS:** Sign Enforcement Order for 55 Island Road.  
The board requested removal of the lower deck.

**NEW BUSINESS:** Discussion- Cindy Finch: Proposed garage/in-law apartment in 75-foot-no-build setback at 6 Island Road.

The proposed garage/in-law apartment would be located on top of the current septic system. The owner would like to move the septic system, further away from the water. The plan had changed since the initial application and now the garage would be outside the 75ft. buffer zone. The owner planned on meeting with an engineer to further detail the plan. Currently there is riprap as a retaining wall and the owner would like to build a nicer, more stable retaining wall.

**ADJOURNMENT**

David Whitaker made a motion to adjourn, 2<sup>nd</sup> by Tony George.  
**VOTE-** Unanimously approved to adjourn.

Respectfully submitted,

*Brianna Roberts*

Brianna Roberts, Conservation Commission Recording Secretary

*Garrett Davieau*

Garrett Davieau, Chairman

*David Whitaker*

David Whitaker

*T. George*

Tony George