

TOWN OF WINCHENDON



Approved: 8/13/20

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WINCHENDON TOWN CLERK

Conservation Commission

Telephone (978)-297-5410

Regular Meeting/Public Hearing

July 9, 2020

Via Zoom conference call

Meeting ID: 928 2072 0074

Password: 0275766

PRESENT: Chairman Kyle Bradley, Vice-Chairman David Whitaker, Melissa Blanchard, Alison Manugian (Conservation Agent), members of the public & applicants

MATERIALS: Agenda & Notice of Meeting: July 9, 2020
Informational Packet presented to Commissioners for review in advance

CALL TO ORDER: Chairman Kyle Bradley called the meeting to order at 6:00PM

MINUTES: NONE

6:05 p.m. Notice of Intent Hearing continuation

Applicant: Jamison VanDyke & **Representative:** Paul Grasewicz of Graz Engineering.
Project Address: 49, & 69 Kemp Street; **Assessor's Map** 5B1, **Parcels** 37 & 39
Description: Two new single family homes each with well, septic system and associated grading and landscaping.

D. Whitaker recused himself for this application due to his role as land owner.

M. Blanchard will need to invoke the Mullin Rule to participate in this hearing.

P. Grasewicz outlined the intent and summarized the revised plans for these two new residential structures. Both homes have been pulled out of the 100' buffer to the maximum extent practical and septic systems have been adjusted to accommodate these shifts. Drainage design has been updated to include two concrete recharge basins on each parcel and eliminate the need for maintenance easements.

L. Clark, Engineer for the abutters, issued an updated letter of concerns and suggested conditions, which were discussed.

Erosion controls will be installed at the wells and along the 50' wetland setback line. No clearing work will be done beyond this 50' setback and boulders shall be permanently placed along the 50' setback.

Unless the submissions to do so are overwhelmingly onerous, the newly located vernal pool be certified with NHESP.

The limit of 40,000sf combined site disturbance was acknowledged and P. Grasewicz will update the plans prior to construction to indicate additional areas where there will be no disturbance. Current plans show approximately 46,000sf of disturbance.

D. Whitaker motioned to continue the hearing to 6:10pm on August 13, 200 and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

6:15p.m. Notice of Intent Hearing continuation
Applicant: Chris and Lauren McNamara
Project Address: 85 Beachview Drive; Assessor's Map 10, Parcel 53
Description: Addition of a farmer's porch on the front of the home, expansion of the screened porch lakeside and expansion of the roof overhangs.

M. Blanchard will need to invoke the Mullin Rule to participate in this hearing.

The applicant briefly outlined their intended project – to include extended roof overhangs and an expansion of the screened porch to 42' off of Lake Monomonic. Since the last meeting all members present have visited the project site for discussion with the homeowners. Members indicated a strong consensus to hold firm to the 50' no build zone.

On site and at the meeting members suggested expanding the existing screened porch to the sides rather than toward the lake. D. Whitaker suggested consideration of a cantilevered structure pulling the foundation back to at least 50' off of the lake. Neither of these approaches will work for the applicants and the commission suggested a redesign and continuation.

D. Whitaker motioned to continue the hearing to 6:20pm on August 13, 200 and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

6:20 pm Notice of Intent Hearing
Applicant: Matthew Kotoski
Project Address: 195 Beachview Ave, Assessor's Map 12, Parcel 50
Description: Substantively completed (unpermitted) reconstruction of existing stone wall at water's edge. Creation of 1000sf patio area and additional retaining wall and addition of walkway to Lake for future dock.

This project came to our attention following a call that work was being done without erosion controls and inquiring about permits. Agent visit confirmed that there was no permit for the retaining wall under construction at the very edge of the lake. Reconstruction of the wall, with the addition of erosion controls, was allowed given the detriment to the lake of leaving the dismantled wall and exposed soil.

The applicant briefly outlined their intended project – installation of a patio area of 3x5 pavers, walkway to future dock, and a new retaining wall between tiers of patio; in addition to the lake side retaining wall.

Consensus of members was that the applicant should have applied prior to beginning the work and that an additional 50% local permitting fee is due. An Order of Conditions with the standard conditions is likely to be the Commission decision. As no DEP number has been assigned the hearing can't be closed so no decision can be rendered.

D. Whitaker motioned to continue the hearing to 6:00pm on July 23, 200 and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

6:30pm Notice of Intent Hearing
Applicant: Ecos Energy, LLC
Project Address: Spring Street; Assessor's Map 9, Parcels 97 & 98
Description: Construction of a 9MW ground mounted solar array including work in wetland buffers and wetland crossings.

R. Galton presented a summary of the existing site – a 72 acre parcel on the border with Ashburnham. The existing site has two existing wetland crossings and access roads remaining from the former gravelling operation. The proposed project will enclose 52 acres with fencing and include installation of 9MW of solar array. The existing roadways and crossings will be reused and disturbance is likely only in the buffer areas. Drainage basins are proposed to attenuate peak flows. No treatment of the runoff is proposed. Access to the site will be off of Spring Street.

A member questioned the intent to control weeds and the applicant indicated that their standing preference is to utilize sheep rather than herbicides. A ban on herbicides will likely be a condition of a final decision. As no DEP number has been assigned the hearing can't be closed so no decision can be rendered.

D. Whitaker motioned to continue the hearing to 6:05pm on July 23, 200 and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

6:40pm Notice of Intent Hearing
Applicant: Tien Phu
Project Address: 94 Lincoln Ave, Assessor's Map 5B2, Parcel 54
Description: Restoration of wetland buffer disturbed w/ unpermitted tree removals.

An enforcement order was issued and required NOI and restoration plan be filed with the Conservation Commission. The applicant did so and was present to answer any questions on the proposed work. Approximately 10 mature trees were removed in the buffer and the applicant has proposed replacement with 10 trees at least 3 years old. The members agreed that the site is regenerating well on it's own and that tree replanting is a sufficient restoration. As no DEP number has been assigned the hearing can't be closed so no decision can be rendered.

D. Whitaker motioned to continue the hearing to 6:10pm on July 23, 200 and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

Discussion/guidance to Agent – what information should come with tree removal applications?

In general the photos and sketches have been helpful. Trees to be removed should be marked in the field for site visits. When the condition of the tree(s) tagged for removal isn't clear an arborist decision should be provided. The potential conflict between a tree removal company opinion and their desire to remove trees was expressed.

6:55p.m. Request for Determination of Applicability (RDA) Hearing
Applicant: Wayne Huard
Project Address: 136 Beachview; Assessor's Map 11, Parcel 15
Description: Removal of a single large pine tree located on the beach.

The applicant provided a summary of his desire to remove the pine on his beach. The tree is dropping limbs and the roots on the beach are a trip hazard. This type of tree draws ants and this situation bothers the neighbor.

The tree appears to be healthy, but there may be an issue that an arborist could identify. Concerns about runoff and erosion should the tree be removed were discussed; the location has some ground cover in addition to this tree. The Commission indicated an inability to render a decision without arborist input.

D. Whitaker motioned to continue the hearing to 6:25pm on August 13, 200 and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

7:00p.m. Request for Determination of Applicability (RDA) Hearing
Cynthia Kendall
Project Address: 146 Beachview; Assessor's Map 11, Parcel 15
Description: Removal of oak and maple trees located on the beach.

The applicant provided a summary of her desire to remove the oak tree on the beach as the branches that fall and the acorns present a fall hazard. The maple trees will need to come down primarily to accommodate a future deck.

Members expressed concerns that these appear to be healthy trees. The oak trees are not growing into the deck and causing a damage/safety issue there. The acorns are largely a seasonal impact and are only an inconvenience.

D. Whitaker motioned to close the RDA hearing and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

D. Whitaker motioned to issue a positive RDA decision, which will require a NOI filing if the applicant wishes to proceed, and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

7:05p.m. Request for Determination of Applicability (RDA) Hearing
Michael Casey
Project Address: 156 Beachview; Assessor's Map 11, Parcel19
Description: Replacement of railroad tie retaining wall along road with stone wall.

The applicant provided a summary of the intended project – replacement of deteriorating railroad ties near the edge of pavement. The project will replace these with a stone wall in the same location that is slightly taller.

D. Whitaker motioned to close the RDA hearing and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

D. Whitaker motioned to issue a negative RDA decision and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

Certificate of Compliance Request- Happy Hollow Solar Project- 345-0647

The request for the Certificate of Compliance was made to close out the open Order of Conditions (345-0647) dated April 21, 2017. The Conservation Agent reported visiting the site and all is in compliance with the plans and Order. The solar installation is completed and the site is stable; previous agent wanted to see another growing season, which has passed successfully.

D. Whitaker motioned to grant the Certificate of Compliance and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

Certificate of Compliance Request -- Steven Curtis – 210 Alger Street - 345-0676

The request for the Certificate of Compliance was made to close out the open Order of Conditions (345-0676) dated August 10, 2019.

D. Whitaker motioned to grant the Certificate of Compliance and M. Blanchard seconded the motion. All voted in the affirmative via roll call vote.

Discussion of potential violation at 6 Island Road- Cindy Fitch

Trees were removed last December in the buffer that were outside of the 50' buffer. The owner put forth discussion last summer that the former agent granted verbal permission. Trees were removed as the first step of a major renovation to the existing home. Members discussed the likelihood that the tree removals would have been granted, but that a permit should have been sought.

D Whitaker motioned that given the extent of the remaining project this work will be incorporated into the NOI for the whole project, M. Blanchard seconded and all voted in the affirmative via roll call vote.

Discussion of potential violation at 376 Beachview – April Mills – Removal of trees in buffer

Discussion of potential violation at 386 Beachview – Chad Leblanc – Removal of trees in buffer

While these two parcels and projects have separate owners they were discussed together at times in response to a petition filed by other lake area residents. Said petition asserted that the Conservation Commission, acting on these cases at the last meeting, ignored evidence that trees were removed in both sites without permissions. A. Mills obtained an after the fact negative finding on an application to remove 6 trees, 9 were removed (including two on town right of way). C. Leblanc also received a negative finding on his application and acknowledged removal of

multiple trees from his beach area last fall. (Note that April Mills was present on 7/9 but Chad Leblanc was unable to attend due to travel.)

Concerns raised by commission members included factual inaccuracies in the petition, concerns about long term erosion controls as stumps rot, and possible work done solely to make the beach more usable. The Chair stated that he values the integrity of the Board, as he knows all members do, and that no issues before the Board have been ignored.

Concerns raised by Mark Tambling included restoration, decision making of the commission to allow work on sites with violations, possible inaccuracy of measurements on proposal from C. Leblanc at the last meeting. In addition to the petition a sketch of this project was provided and a photo taken last summer (or previously) showing trees on both sites. He indicated it wasn't his intent to question the Board integrity and that the issue here may be failure of the Agent to get information to the Board. The Agent summarized the process of getting information to the Board in advance of the meeting allowing time to review and that indeed materials received in an untimely fashion may not get to the Board in advance.

A Mills reiterated her project summary from the previous meeting, including the condition of the trees listed in the application. Her intent is to keep the stumps in place, preventing erosion for another year or so. When financially able, she will seek to install a retaining wall and plant vegetation on the north end of her beach area. A. Mills indicated a willingness to do plantings this fall if necessary. She also stated that she would hire an attorney if the commission requires her to plant trees and keep the existing stumps in place.

Commission members stated a need for a restoration plan that would stabilize the beach and allow for understanding of the longer term plan. An Order of Conditions is good for 3 years without renewal, which is likely enough time to complete the work.

The commission reached consensus that A. Mills and C. Leblanc each need to file a Notice of Intent w/ Restoration application for the August 13, 2020 meeting.

Endorsement of Enforcement Order- 385 Glenallen Street – Richard Jameson

Complaint was received by phone that owner was filling Lake Monomonac with machinery. Agent site visit confirmed this and an Enforcement Order was delivered by hand with the explanation that all work must stop immediately. Agent indicated at a return site visit on 7/8 showed that large wood chips have been placed in some areas and additional concrete blocks added at the very edge of the lake. Photos show the clearly disturbed land and filling. The owner did not attend the Conservation Meeting.

The Agent summarized the Enforcement Order, including requirement to file an NOI with the Commission prior to July 2, 2020; which did not happen. D. Whitaker motioned that given the commission endorse the Enforcement Order, M. Blanchard seconded and all voted in the affirmative via roll call vote.

Discussion continued around the egregious nature of this violation and that past conversations have been had with this owner around violations. The consensus was that the Notice of Intent will require professional assistance to ensure that restoration work does not harm the Lake. Fines were discussed favorably.

D. Whitaker motioned that a certified letter go to the owner on 7/13 notifying him that fines will be levied beginning on July 27, 2020. M. Blanchard seconded and all voted in the affirmative via roll call vote.

Ongoing discussion of violation- sheds & storage in buffer at 16 Monomonac- Phillip White.

The owner was not present to discuss the situation on his parcel, first brought to the attention of the Commission by his indicated interest in joining the Board. Consensus of the Board is that the owner shall receive a request to attend the August meeting via certified mail.

Ongoing discussion of violation- storage in buffer at 162 Main Street- Phillip Favart.

The owner was not present to discuss the situation on his parcel, a difficult one given the proximity of significant wetlands. The members acknowledged that the site has been cleaned up some since the initial complaint, and that the possible presence of metal on the path near the wetland is likely the remaining final issue. Members indicated a desire to review the site in person and will try to do so this weekend. This item will return again on the July 23rd agenda.

Brief discussion was held with Ken Wante about the responsibilities and expectations of Conservation Commission members. He indicated an ongoing interest in serving on the Board and existing members supported his interest.


D. Whitaker motioned to adjourn at 8:43pm, M. Blanchard seconded and all voted in the affirmative via roll call vote and the Chair closed the meeting.

Respectfully submitted,



Alison Manugian - Conservation Agent



Kyle Bradley, Chairman

David Whitaker, Vice-Chairman

Michael Minnaugh

Melissa Blanchard