

TOWN OF WINCHENDON



NOTICE OF MEETING & PUBLIC HEARINGS

Pursuant to the provisions of Chapter 39, Section 23B of the General Laws, as amended, notice is hereby given that a meeting of the following board, committee, or commission will be held on the date and time specified below. Said meeting will be open to the public and press. Note that votes may be taken on any of the agenda items.

BOARD/COMMITTEE: Conservation Commission

DATE: Thursday, April 8, 2021 TIME: 6:00 p.m.

LOCATION: Conducted by Remote Participation

ALL MEETING NOTICES MUST BE FILED AND TIME STAMPED IN THE TOWN CLERK'S OFFICE AND POSTED ON THE MUNICIPAL BULLETIN BOARD 48 HOURS PRIOR TO THE MEETING. (in accordance with Chapter 303 Acts of 1975). THE MEETING ROOM IS HANDICAPPED ACCESSIBLE. WITH ADVANCE NOTICE THE CONSERVATION COMMISSION CAN ARRANGE REASONABLE ACCOMODATIONS FOR PERSONS WITH OTHER DISABILITIES. TO REQUEST ASSISTANCE, CONTACT THE CONSERVATION AGENT AT 978-297-5410

To participate in the Remote Meeting please follow the instructions below:

Meeting ID: 935 8152 6684

Passcode: 7269867

Join Zoom Meeting via computer or smartphone with video and audio options

<https://winchendonk12.zoom.us/j/93581526684?pwd=OWpGemNNUVF1WVc5djBaT2d3eGNWZz09>

To call in dial +1 (929) 436-2866 and follow prompts for Meeting ID and Password above

Documents regarding agenda items are available on the Town website – www.townofwinchendon.com

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Winchendon Conservation Commission will be conducted via remote participation to the greatest extent possible.

Agenda:

Call to Order

Minutes 3/11/2021

Announcements

Update on 356 Lakeview Drive possible Enforcement Order concern

Property has two open Orders – one for reconstruction of the home and one for placement and construction of a shed. The owner has constructed raised beds on the beach. She verbally indicated her intent to remove given the need for permits. I will plan to review on Thursday prior to the Commission meeting.

Discussion with the Fire Chief of permissions and process for the pending Ingleside prescribed burn.

6:05pm

Notice of Intent Public 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 50'-100' from the wetland with a new commercial building.

The Planning Board Site Plan review for this project has not yet concluded. Peer review is anticipated and more information regarding drainage has been requested.

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- 6:10pm Amendment of Order of Conditions Public Hearing Continuation DEP 345-0649
- Applicant: West Street 1 Solar, LLC
 - Project Address: West Street; Assessor's Map 2, Parcels 109
 - Description: Request to permanently leave boulders covering sections of buffer.
4/6 Attached is a letter requesting withdrawal of the amendment. They would like an extension to be allowed to complete by October 26, 2022.

4/1 The applicant is exploring a retraction of the request to amend the order of conditions, but no new information has been received. They would then plan to comply with the requirements of the original order by removing the boulders from current buffer locations, crushing on-site and removing from the property. The buffers would then be restored as stipulated with loam and seed.
- 6:15pm Notice of Intent Hearing DEP file doesn't exist
- 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 well and previous unpermitted fill and tree removal.
As of 4/1 no new information has been received regarding the previous violations or the proposed work. Given this I would like the Commission to consider denial of the NOI without prejudice based on incomplete application. I would also like the Commission to consider levying fines due to the long-standing unaddressed violations – tree removal and fill between the residence and roadway. The Commission can also file another enforcement order including specific restoration steps that should be taken.

Adjourn

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Conservation Commission Regular Meeting/Public Hearing Minutes

March 11, 2021 remotely at www.zoom.com

Meeting ID: 947 2152 7375 Passcode: 5567752

Members Present: Kyle Bradley, Melissa Blanchard, Ken Wante, Lionel Cloutier (arrived 6:12pm)
Others Present: Alison Manugian (Conservation Agent), Nate Schroeder, Cindy Fitch, Paul Grasewicz, Fred Sellers, Kelley Fike, Aubrey LaBrie, Marc Dorwart, Angel Lehtonen, Nate Schroeder, Ryan McCauley, Ken LaBrack, Thomas Wansleben

Meeting called to order by Chair Kyle Bradley at 6:02pm. While awaiting additional members items were moved up on the agenda.

M. Blanchard made a motion to approve the minutes of January 14 & February 11, 2021. K. Wante seconded the motion and all present (K. Bradley, M. Blanchard & K. Wante) approved via roll call vote

Request for a Certificate of Compliance for 125 Island Road – A. Manugian recommended approval of this request. The single tree to be addressed in the Order was removed and the site is in good condition. **K. Wante motioned to grant the Certificate of Compliance and M. Blanchard seconded the motion. All approved via roll call.**

Request for Extension of Order of Conditions for Sunset Lake – A. Manugian explained that this is a request to continue the successful lake management procedures that have been in place for many years. F. Sellers was present to answer any questions; although none were raised. **M. Blanchard made a motion to grant the extension. K. Wante seconded the motion and all present voted aye via roll call.**

At 6:08 pm, with consensus of the Commission, the Chair called for a five minute recess to allow L. Cloutier to join the meeting from a new location. The meeting resumed at 6:13pm with L. Cloutier joining.

No one had any announcements.

Public Hearings:

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.
 - A Manugian summarized that this hearing was opened at the last meeting and held open in case the Planning Board requests changes. The Planning Board has this as an agenda item for next week (3/16/21) but has not yet received any Peer Review report.
 - P. Grasewicz, Engineer for the Applicant, agreed that this approach makes sense.

M. Blanchard motioned to continue this hearing to April 8, 2021 at 6:05pm. K. Wante seconded the motion and all voted aye via roll call.

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Conservation Commission Minutes – March 11, 2021

Amendment of Order of Conditions Hearing Continuation

DEP 345-0649

- Applicant: West Street 1 Solar, LLC & Nexamp Solar
- Project Address: West Street; Assessor's Map 2, Parcels 109
- Description: Request to permanently leave boulders covering sections of buffer.
 - K. Bradley indicated an interest in the applicant selling the boulders
 - K. Fike, Engineer for Nexamp, indicated that removal from the site would be difficult now. She requested that the hearing be continued to allow for time to respond to the peer review comments that came in earlier today.
 - A. Manugian summarized that this project has been completed except for resolution of the amendment request. Having found more boulders than were anticipated, the applicant placed boulders in the wetland buffer areas around a significant portion of the site. At this point leaving them in place is problematic as is enforcing full compliance with the original Order of Conditions.
 - M. Coady, Engineer with Tighe & Bond, offered the following comments as peer review:
 - Typically an amendment is requested for work not yet done
 - The Burden of Proof is on the applicant to show that there is no detriment to the amendment
 - The deviations from the order need to be quantified along with the impacts and alternatives analysis

M. Blanchard motioned that the applicant flag the boulder area and show on a plan. K. Wante seconded the motion and all approved via roll call vote.

- K. Bradley reiterated that the boulders should not be where they are and that he would like to have them removed. K. Wante and M. Blanchard indicated their agreement.
- M. Dorwart indicated many members of the public are present and could indicate their thoughts in the chat function of zoom. He feels that applicants can not be allowed to change the rules or project without permission based on what they find during construction.
- A. LaBrie, speaking as an individual resident, expressed her concern that an amendment after the work has been completed could set a detrimental precedent.
- K. Bradley reminded everyone that each case is different and precedents are not set.
- S. Monfreda (abutter) viewed the site today and found the erosion controls are in bad shape
- K. Fike agreed that Nexamp will review the erosion controls and fix as needed.

M. Blanchard motioned to continue this public hearing to April 8, 2021 at 6:10pm. K. Wante seconded the motion and all voted aye via roll call

Notice of Intent Hearing Continuation

DEP 345-0721

- Applicant: Barkley Enterprises – Jamison VanDyke
- Project Address: 16 North Ashburnham Road Assessor's Map 9, Parcels 50
- Description: single family home with related grading, septic system and well
 - A Manugian summarized that at the last meeting there were concerns about the construction in the buffer and that the wetland delineation was out of date.
 - P. Grasewicz confirmed that the flagging has now been reviewed and has in fact changed in the past 14 years. There is now room outside of the 100' buffer and the design of the septic and well have been updated. There is now no alteration within 50' of the wetland, no structure within 75' and the home is outside of the 100' buffer.
 - All Commissioners indicated that this is a great outcome.

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- P. Grasewicz also submitted to NHESP and received confirmation that the work is outside of their jurisdiction

L. Cloutier motioned to close the hearing and grant the Order of Conditions with standard conditions. K. Wante seconded the motion and all voted aye via roll call vote.

Notice of Intent Hearing

DEP has no listing to date

- 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.
 - K. Bradley read the hearing notice and opened the public hearing.
 - A Lehtonen, Engineer for the applicant, presented the project – a proposed addition to the existing two bedroom home. Residence will remain a 2 bedroom home. The new septic and well are not currently required as the existing are viable. There is approximately 850 sf of building to be added within the 100' buffer. The project will go both up and out.
 - A Manugian offered a summary of the concerns and other permissions likely required:
 - This is a new hearing and project that has been submitted to Conservation. In addition to the Conservation Commission the project needs permissions from the ZBA and Board of Health (BOH). No submissions have been made on those fronts and likely all permitting should proceed in parallel to allow for board recommended/required changes.
 - The ZBA will likely be asked to consider:
 - setback variances on the side and rear, some of which may be too tight for actual construction;
 - waiver for the overall impervious lot coverage required by zoning bylaws
 - special permit permission to alter a pre-existing non-conforming lot as this parcel doesn't have the frontage or lot area required by the zoning bylaws.
 - The BOH will likely be asked to consider (as listed on the septic plan):
 - reduction of the 100' required setback between applicant's well and applicant's setback
 - reduction of the 10' setback between leach area and the property line
 - approval of the well and septic locations and proposed designs.
 - The following items should be provided to aid the Commission in reviewing this proposal:
 - The existing Enforcement Order mandates that the NOI include the fill placed and tree work done. Neither of these are shown and there is no suggested restoration proposed.
 - A survey needs to be completed to show the property lines and wetland. The abutter has expressed concerns that the graphics shown are inaccurate.
 - A grading plan is needed to show where the alterations will be and how they are handled.
 - A planting plan to show what the proposed vegetation is and where it will be located.
 - A site work and limit of work plan needs to show the limit of impacts and how construction will be accomplished without trespass onto the abutter.
 - Drainage analysis quantifying the impacts (volume, peak timing and velocity) of the increase from 13% impervious to 27%. How will the increased runoff be

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Conservation Commission Minutes – March 11, 2021

handled? How will the existing runoff erosion patterns and incursion into the structure be addressed?

- Justification of the need to place septic 50' from the wetland. The 100' separation between septic and well is to protect the quality of drinking water, which would presumably be similarly applied to wetland contamination.
- Justification of the need to place well within 20' from the wetland. The well location will impact the groundwater and wetland at this distance.
- The abutter at 16 Island Road, Ryan McCauley, has expressed numerous concerns as well:
 - Incomplete application and missing factual pieces
 - Tree Removal Impacts – changes in runoff, shading, habitats, windbreak, privacy
 - Proposed impacts - additional impervious cover – changes in erosion, infiltration, nutrient loading in Lake Monomonac – impacts on water quality, species etc.
- R. McCauley further added to his concerns that part of the appeal of purchasing property near a wetland is preservation of that resource and controls over development. The trees were removed in 2019 and the upper bank is now at risk as the stumps decay. He added that the size of the added structure is excessive.
- K. Bradley offered to schedule a sitewalk to get a better understanding; others indicated interest and a sitewalk was scheduled for March 13 at noon.
- A Lehtonen indicated that the graphic plan is on a surveyed base, but the septic isn't. Grades are shown for the septic plan but the property lines are approximate.
- N. Schroeder, Contractor for the Applicant, indicated his interest in joining the site walk and agreed to bring plans. He would like to work with A. Manugian off line regarding the concerns previously listed and again reviewed.
- R. McCauley raised concerns about not having a single coherent plan based on a survey and requested an opportunity to speak along with K. Bradley on Saturday at the site walk.
- **M. Blanchard motioned to continue to April 8, 2021 at 6:15. K. Wante seconded this motion and all voted aye via roll call.**

Notice of Intent Hearing

DEP # pending

- Applicant: MassWildlife –Tom Wansleben
- Project Address: BirchHill Wildlife;
 - Assessor's Map 4, Parcels 80, 81, 83, 84, 85, 86, 87, 88, 95, 96, 97, 98, 99
 - Assessor's Map 7, Parcels 2, 4, 5, 6, 9, 8, 43, 44, 46, 47, 48, 55, 56
- Description: Restore fire influenced communities and habitats to support rare and declining plant and animal species
- BirchHill hearing notice read by K. Bradley and hearing opened
- Tom Wansleben spoke to the project goals – to restore globally rare habitats and continue work begun in 2018. The ecosystems in the area need fire to reseed and to remove other invasive plants to allow space. Due to the lack of fire the desired species and habitat are declining. Invasive species are removed via carefully applied selected herbicides and then controlled burns are done based on the habitats and species locations on site; work won't necessarily extend to the entire area shown unless the species themselves do so.

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- L. Cloutier likes the project
- K. Wante inquired about other permits for controlled burns.
- T. Wansleben clarified that the Fire Chief has signed off on the plans and that they will need to meet DEP air quality standards. There is annual training for the team that is specific to this type of project. There are restrictions on the time of year for burning to protect species per NHESP. A specialized fire truck is present and steps are taken to protect desirable wildlife; many of whom will flee or burrow to avoid the relatively quick heat exposure. They then flourish in the newly restored habitats. The clearing and work to date (no burning yet) have increased the types and quantities of bees and pollinators .
- K. Wante asked about the herbicides and applications
- T. Wansleben clarified that the herbicides are highly controlled and applied to protect non-targeted species. Glossy buckthorn, honeysuckle, bittersweet and multiflora rose are all problematic and treated. Tree stumps that re-shoot will also be controlled with herbicides. NHESP prohibits use of herbicides that would harm the desirable species and the habitat restoration specialist oversees the actions in the field. Herbicides are manually applied to specific plants.
- T. Wansleben requested that a 5 year order of conditions be issued to ensure that work is completed.
- **M. Blanchard motioned to grant a 5 year order of conditions with standard conditions. K. Wante seconded the motion and all approved via roll call vote.**

Discussion of Ingleside – Winchendon Community Park work

- | | | |
|---------------|-------|---------------------------------------|
| Vista Pruning | Trash | Planned Burn of Residential Structure |
|---------------|-------|---------------------------------------|
- K. Bradley expressed concern that water from fire fighting may enter the wetland and contamination from chemicals and items in the house. Conservation needs to understand the impacts and the project. The structure is in good shape and at a minimum some woodwork should be saved.
 - K. LaBrack asked if the commission was aware of a similar controlled burn on Second Street last winter that had no impact on the wetland. No runoff was visible.
 - K. Bradley indicated that the commission was not aware of this burn.
 - K. Bradley opined that there should be no trash onsite and guests should carry out any trash they have

K. Wante motioned to adjourn, and M. Blanchard seconded the motion. All approved via roll call vote and the Chair adjourned the meeting at 7:27pm.

Alison Manugian

From: Kelley Fike <kfike@nexamp.com>
Sent: Monday, April 5, 2021 4:39 PM
To: Alison Manugian
Cc: Dustin McEwen
Subject: West Street Solar 1 - Letter to Withdraw Amended Order and Permit Extension Request
Attachments: Winchendon Com Comm Letter_04-05-21.pdf; West St - Boulder Schedule.pdf

Alison,

Attached you will find a letter formally requesting that our request for an Amended Order of Conditions be withdrawn and we've also added language requesting an extension to the existing permit in order to officially complete the work this spring. Also attached you will find our proposed schedule for the work.

One other note, we did have the wetlands re-delineated last Friday, April 2nd, if the Commission is interested in performing another visit to the site to review the delineation. We will be refreshing/reinstalling ECBs this week and will forward along pictures to you as soon as that work is complete. Let me know if you need anything else from us, but look forward to talking through this with the Commission at Thursday's meeting.

Best,

Kelley Fike, P.E.
Manager, Civil Engineering
Nexamp | www.nexamp.com
Phone: (413) 230-8844

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April 5, 2021

Town of Winchendon
Conservation Commission
Attn: Alison Manugian, Conservation & Planning Agent
109 Front Street
Winchendon, MA 01475

RE: West Street Solar 1, LLC c/o Nexamp, Inc
Site Address: 225 West Street
Winchendon, MA 01475

Dear Ms. Manugian & Members of the Commission,

Respectfully, we would like to withdraw, without prejudice, our request for an Amended Order of Conditions for our West Street Solar 1 project and MA DEP File No. 345-0649 that was submitted to the Commission on December 15, 2020. In addition, we would like to request a one year extension of the original Order of Conditions issued October 26, 2017, until October 26, 2021.

We are planning to get the site into compliance with the original Order of Conditions and will be removing the boulders placed within the outer limits of the buffer zone. The wetlands on the site were re-delineated by a wetland scientist on April 2, 2021. If the extension is approved by the Commission, we will begin work on the project site on April 12, 2021. Below you will find a proposed scope for the work we will be performing this spring and we have attached a construction schedule.

Scope of Work:

1. Wetland re-delineation
2. Repair/refresh of erosion control measures along the 50-foot buffer.
3. Set-up rock crushing/staging area in same location as the original laydown area.
4. Fence removal
5. Boulders will be removed from buffer zone, crushed on-site, and hauled off-site.
6. Once boulders have been removed, loam will be spread in disturbed areas.
7. All disturbed areas will be hydroseeded with a tackifier to ensure the slope remains stabilized until vegetation has been established.
8. Once the site has been stabilized, we will reach out to the Conservation Agent for a site inspection followed by our Request for a Certificate of Compliance.

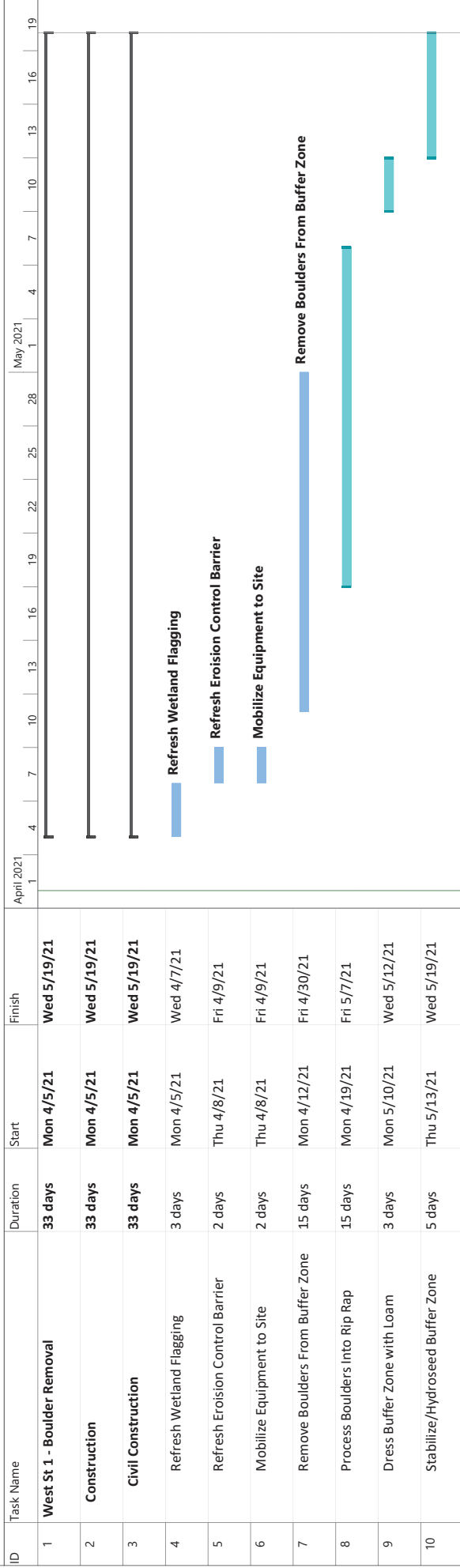
We thank you for your time and consideration of this issue and look forward to discussing the scope of work and schedule with the Commission at the meeting being held April 8, 2021. Please do not hesitate to reach out with any further questions and look forward to resolving this issue.

Sincerely,

Kelley Fike

Digitally signed by Kelley Fike
DN: c=US, E=kfike@nexamp.com,
O=Nexamp, Inc., OU=Civil Engineer,
CN=Kelley Fike
Date: 2021.04.05 16:28:46-0400

Kelley Fike, PE
Civil Engineer
Nexamp



Project: 13793 - Gorham - Civil
Date: Fri 4/2/21

Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
Summary	Inactive Summary	Manual Summary	External Milestone	