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# TOWN OF WINCHENDON



## AGENDA & 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 December 16, 2021 TIME: 6:00 p.m.

LOCATION: 2<sup>nd</sup> Floor Auditorium of Town Hall – 109 Front Street

*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*

Call to Order  
Announcements & Public Comment  
Minutes: October 14, 2021 & November 18, 2021

### Public Hearings:

- 6:05pm** Notice of Intent Hearing Continuation DEP 345-0725
  - Applicant: Cindy Fitch
  - Project Address: 6 Island Road; Assessor's Map 6, Parcel 9
  - Description: Proposed work includes addition to the existing home and related site work.
- 6:10pm** Notice of Intent Hearing Continuation DEP # not issued
  - Applicant: James Smith
  - Project Address: 175 Fourth Street Assessor's Map 4, Parcel 2
  - Description: Repair and replacement of existing retaining wall
- 6:20pm** Request for modification of Order of Conditions DEP #345-0675
  - Applicant: 580 River St. LLC
  - Project Address: 580 River St. Assessor's Map 4 Parcel 108
  - Description: Amendment to existing Order of Conditions, DEP File #345-0675 issued 11/14/19. Modification seeks to expand extents of wetland replication area.

### New Business:

- Application for Certificate of Compliance – 56 Beachview Dr.
- Application for Certificate of Compliance – 291 Glenallen West Street Solar – Open Space Land Transfer

Correspondence –

Adjourn

# TOWN OF WINCHENDON



Conservation Commission

Telephone (978)-297-5402

## Regular Meeting/Public Hearing

October 14th, 2021

Town Hall 2<sup>nd</sup> Floor Auditorium  
109 Front Street, Winchendon, MA 01475

**PRESENT:** Kyle Bradley- Chairman, Ken Wante, Melissa Blanchard, Lionel Cloutier

**ABSENT:** David Whitaker-Vice Chair

**OTHERS PRESENT:** Alison Manugian (Conservation Agent)  
Tracy Murphy (Director of Planning & Development)

**MATERIALS:** Agenda & Notice of Meeting: October 14th, 2021

**CALL TO ORDER:** Kyle Bradley called the meeting to order at 6:04PM

**ANNOUNCEMENTS/PUBLIC COMMENT:** A. Manugian granted a resident at 46 2nd St. permission to take down 1 tree that posted a hazard to his property.

### HEARINGS:

**6:05PM Notice of Intent Hearing Continuation** DEP 345-0725

**Applicant:** Cindy Fitch

**Project Address:** 6 Island Road; Assessor's Map 6, Parcel 9

**Description:** Proposed work includes addition to the existing home and related site work.

- K. Bradley opened the hearing.
- There were a few changes to the plan, but the Representative did not have the updated plans present.
- Request to continue hearing to November 18th, 2021.
- D. Whitaker motioned to continue to Nov. 18, 2021 at 6:05PM. L. Cloutier seconded and all voted aye.

**6:10PM Request for Determination of Applicability Hearing**

**Applicant:** Diane Coulter

**Project Address:** 55 Island Road; Assessor's Map 2, Parcel 8

**Project Description:** Removal of trees within the buffer to Lake Monomonac

- K. Bradley opened the hearing.
- A. Manugian read the hearing notice.

- Diane Coulter explained her plans for the driveway. K. Bradley let her know she needs to file a permit to make any changes at all to her property within 100 ft from the water.
- L. Cloutier made a motion for a negative determination. D. Whitaker seconded and all voted aye.

**6:15PM Notice of Intent Hearing Continuation**

**Applicant:** Paul Robichaud

**Project Address:** 95 Fourth Street; Assessor's Map M3, Parcel 53

**Project Description:** Installation of fence and flag pole and beach replenishment

- K. Bradley opened the hearing.
- A. Manugian explained the continuation was originally due to not having the updated numbers, but they were sent in time.
- L. Cloutier made a motion to grant permission. M. Blanchard seconded and all voted aye.

**6:20PM Request for Determination of Applicability Hearing**

**Applicant:** Gary Flemming

**Project Address:** 206 Second Street; Assessor's Map M3, Parcel 2

**Project Description:** Removal of trees, some damaged and some to facilitate a solar installation.

- K. Bradley opened the hearing.
- A. Manugian read the hearing notice.
- Gary Flemming explained that he allowed the company to remove the tree's prior to the commission's final approval due to some scheduling conflicts.
- K. Bradley commented that it was unfortunate G. Flemming followed the correct process up until the last step. He mentioned the work done looked professional and well done.
- The commission agreed not following the process was unethical and should be fined. The commission can fine up to \$350 per day. They determined to charge an after the fact filing fee of \$25.
- L. Cloutier made a motion to close the hearing. M. Blanchard seconded and all voted aye.
- L. Cloutier made a motion for a negative determination. M. Blanchard seconded and all voted aye.
- L. Cloutier made a motion for an after the fact filing fee. M. Blanchard seconded and all voted aye.

**6:25PM Request for Determination of Applicability Hearing**

**Applicant:** David & Grisel Levene

**Project Address:** 306 Monomonac Road East; Assessor's Map 4, Parcel 21

**Project Description:** Removal of trees, demolition and new home construction and site work.

- K. Bradley opened the hearing.
- A. Manugian read the hearing notice.
- The applicants did not pay for their ad in the Gardner News, so the hearing will automatically be continued.
- L. Cloutier made a motion to continue to Nov 18, 2021 at 6:10PM . M. Blanchard seconded and all voted aye.

**MINUTES:** L. Cloutier made a motion to approve the minutes as presented from Sep 9, 2021. M. Blanchard seconded and all voted aye.

L. Cloutier made a motion to approve the minutes as presented from Sep 23, 2021. M. Blanchard seconded and all voted aye.

Request for Certificate of Compliance for work at 96 Monomonac Road East- Order of Conditions issued to Earl Haight for trimming and removal of trees and construction of hardscape area within the wetland buffer.

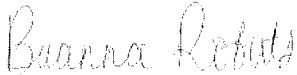
L. Cloutier made a motion to grant the certificate of compliance. M. Blanchard seconded and all voted aye.

T. Murphy thanked A. Manugian for her service to the department and town as tonight was her last meeting.

L. Cloutier made a motion to adjourn M. Blanchard seconded and all voted aye.

**ADJOURNMENT: 6:44PM**

Respectfully submitted,



Brianna Roberts, Conservation Commission Recording Secretary

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Kyle Bradley, Chairman

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David Whitaker, Vice-Chairman

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Melissa Blanchard

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Lionel Cloutier

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Ken Wante

Legal Notice  
Winchendon Conservation Commission

Pursuant to the provisions of M.G.L. Chapter 131, Section 40, and the Town of Winchendon Wetlands Protection Bylaw, the Winchendon Conservation Commission will hold a public hearing on Thursday, March 11, 2021 at 6:15 pm to consider the Notice of Intent filed by Cindy Fitch for proposed work within the 100-foot Buffer Zone to Bordering Vegetated Wetlands at 6 Island Road, Assessor's Map 6, Lot 9. The proposed work includes addition to the existing home and installation of new septic system and artesian well. The hearing will be held remotely via [www.zoom.com](http://www.zoom.com), with login information on the agenda on the Town website. Alternative translation and accommodation for disabled persons is available by advance request.

For additional information email [amanugian@townofwinchendon.com](mailto:amanugian@townofwinchendon.com).

March 4

ZBA  
HEARING continued to Dec. 15. Update  
to Conscom due.

# TOWN OF WINCHENDON

Conservation Commission



Telephone (978) 297-5410

109 Front Street  
Winchendon, Massachusetts 01475-1758

## Legal Notice Winchendon Conservation Commission

Pursuant to the provisions of M.G.L. Chapter 131, Section 40, and the Town of Winchendon Wetlands Protection Bylaw, the Winchendon Conservation Commission will hold a public hearing on Thursday, November 18, 2021 at 6:15pm to consider the Notice of Intent filed by James Smith for proposed work within the 100-foot Buffer Zone to Bordering Vegetated Wetlands at 175 Fourth Street, Assessor's Map M4, Lot 2. The proposed work includes the repair and reconstruction of an existing retaining wall. The hearing will be held in the Second Floor Auditorium at Town Hall - 109 Front St., Winchendon, MA 01475. Alternative translation and accommodation for disabled persons is available by advance request.

November 9

NO DEP # has been issued as of Dec 9, 2021

*DJA*

Legal Notice  
Winchendon Conservation Commission

Pursuant to the provisions of M.G.L. Chapter 131, Section 40, and the Town of Winchendon Wetlands Protection Bylaw, the Winchendon Conservation Commission will hold a public hearing on Thursday, November 18, 2021 at 6:20 pm to consider an amendment to the Order of Conditions, DEP File #345-0675 issued 11/14/19 to 580 River Street, LLC for proposed work in Bordering Land Subject to Flooding (100-year Floodplain) and Riverfront Area at River Street on Assessor's Map 4, Lot 108 and Parcel 109, and Map 4C-4, Lot 2. The project entails capping the former Mabardy Landfill pursuant to Massachusetts Solid Waste Regulations 310 CMR 19.000. The hearing will be held in the 2nd<sup>th</sup> Floor Auditorium of the Winchendon Town Hall, 109 Front Street.

Application is available by contacting the Department of Planning & Development at 1-978-297-3537

Publication Date: Nov 10

# **Amendment request to an order of conditions for a Wetland Restoration for 580 River Street LLC. Winchendon, MA DEP 345-0675 Map/Parcel 4-0-108 known as 0 Rear Hale Street**

**October 2021**

Matthew S. Marro Environmental Consulting  
45 Lisa Drive Leominster, MA 01453  
[matt@marro-consulting.com](mailto:matt@marro-consulting.com)  
[irene@marro-consulting.com](mailto:irene@marro-consulting.com)  
[www.marro-consulting.com](http://www.marro-consulting.com)

Respectfully Submitted,



Matthew S. Marro,  
Consulting Agent/Principal

Authorized by: \_\_\_\_\_  
For 580 River St LLC



## Summary and Site Specifics

### Summary

The lot located on River Street in Winchendon, MA is an earth materials operation with no structures located on it. The lot is 37 total acres with low intensity developed land made up of 16.4 acres of open land, 20.6 acres of mixed deciduous forest. The lot also contains a bordering vegetated wetland as defined in MGL ch 131 section 40 (wetland protection act). A wetland alteration occurred during improvement of the lot. A previous Notice of Intent filed by 580 River Street LLC dated November 14, 2019 had allowed for clearing of land. Due to an inadvertent clearing of a section of the wetland resource area, this amendment request to the order of conditions has been filed with the commission for restorative action of the wetland alteration

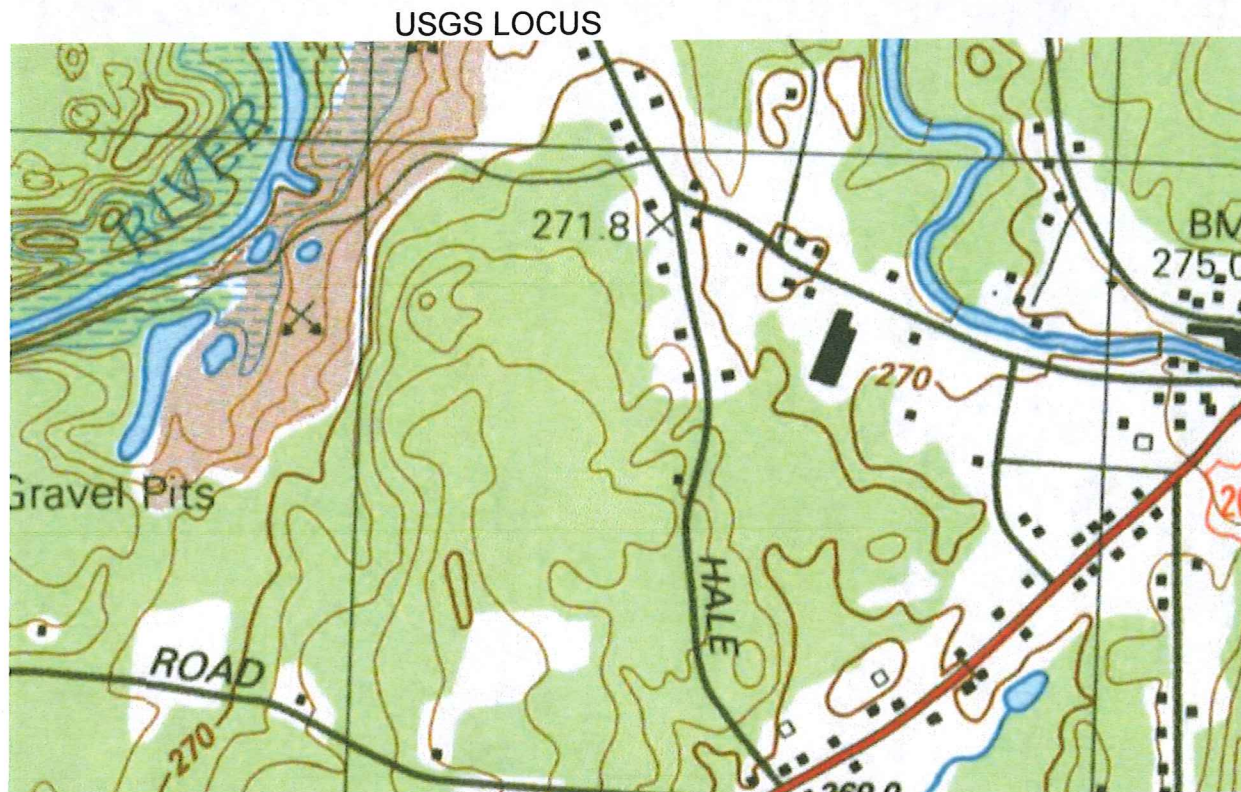
### Items addressed in this report.

Matthew S. Marro Environmental Consulting (MSMEC) has inspected the alteration and proposed restoration area of the lot. The area was cleared of major overstory vegetation, however was not filled or had soils stripped from the site.

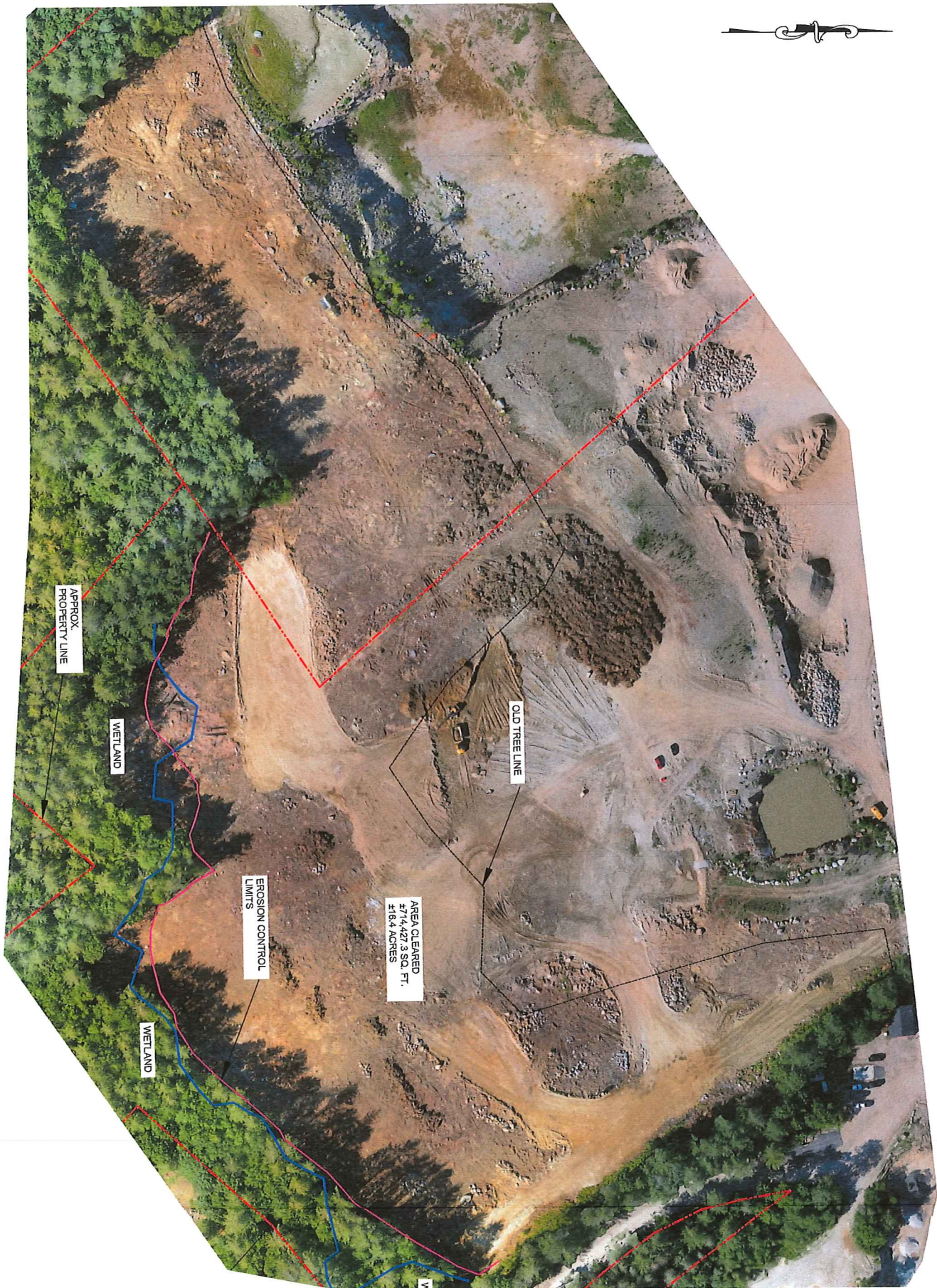
It is the intention of this application to address the amounts of wetland altered and the restoration proposed. It should be noted that MSMEC has previously delineated the wetland system on this lot for the current owner and is subject to approval by the Conservation Commission.

MSMEC shall file reports for June and October 20 of 2022 and 2023 to review the restoration work.

Based on the above scope and abbreviated analysis, the applicant requests the commission allow this to go forward as an amendment to the current Order of Conditions ( enclosed)







APPROX.  
PROPERTY LINE

WETLAND

EROSION CONTROL  
LIMITS

OLD TREE LINE

AREA CLEARED  
#714,427 3 SQ. FT.  
#16.4 ACRES

WETLAND





**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

**A. Project Information**

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

David Barone

Name

22 Forest St.

Mailing Address

Lexington

City/Town

MA

State

02421

Zip Code

781-454-8229

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

David Barone

Applicant

07-08-2021

Dated

345-0739

DEP File Number

3. The project site is located at:

DOCK

56 Beachview Dr.

Street Address

M10

Assessors Map/Plat Number

Winchendon

City/Town

42

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)

Worcester

County

57604

Book

298

Page

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

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**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

# MEMO

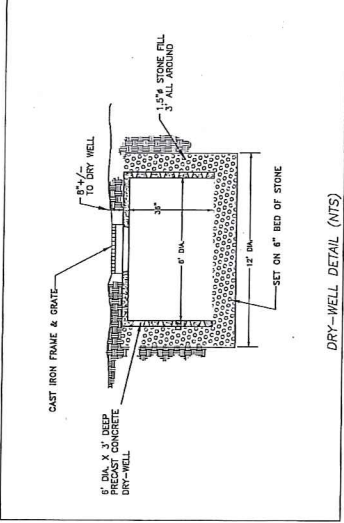
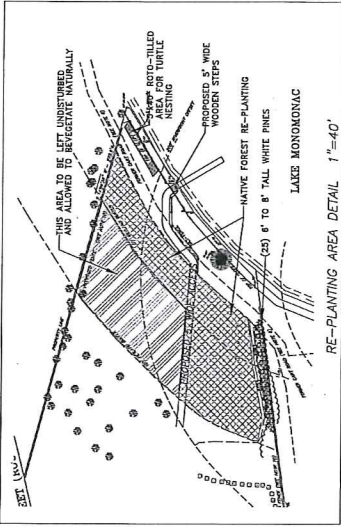
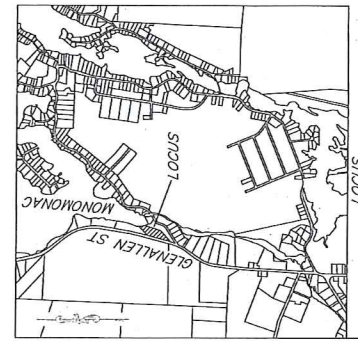
To: The Conservation Commission

From: Tracy Murphy

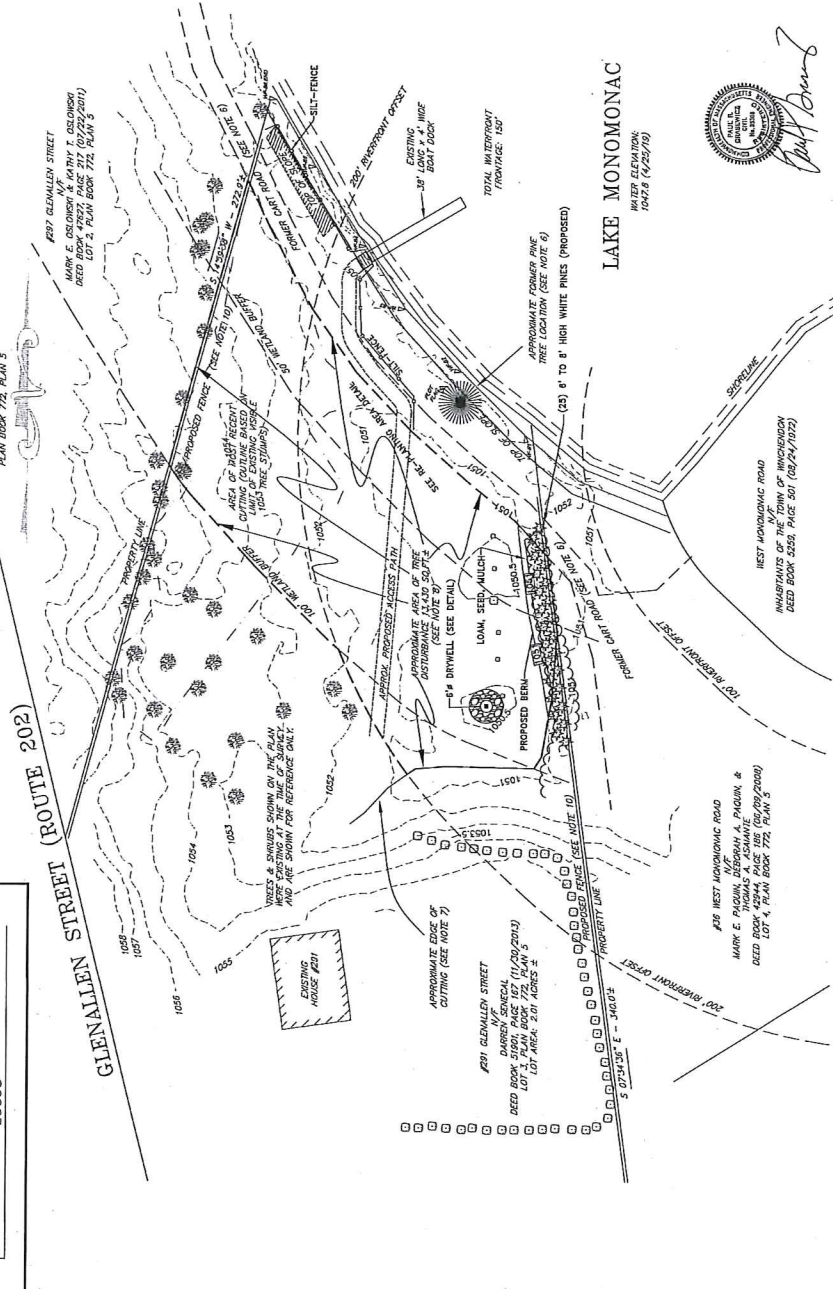
Re: Request for Certificate of Compliance, 291 Glenallen St.

You will notice a Request for Certificate of Compliance for 291 Glen Allen St. on the agenda. Mr. Senecal will be submitting Form 8A. However, the Planning & Development department has not received it at the time we prepared the meeting packets. I expect to have the form and payment by the beginning of the week. I have attached the planting plan from the OOC for your reference.

291 Glenallen



**ROUTE 202**  
 GLENALLEN STREET  
 PLAN BOOK 772, PLAN 5



**NOTES:**

- 1) ALL PLANTING IN PORTION OF THE LOTS THAT HAS BEEN RETAINED BY CUTTING BETWEEN THE SHORE LINE AND THE CENTERLINE OF THE ROAD SHALL BE MAINTAINED IN THE 100' WIDE BUFFER ZONE. THE 100' WIDE BUFFER ZONE SHALL BE MAINTAINED AS NATURAL WETLANDS. ALL OTHER PLANTING SHALL BE MAINTAINED AS NATURAL WETLANDS.
- 2) ALL PLANTING SHALL BE MAINTAINED IN THE 100' WIDE BUFFER ZONE. THE 100' WIDE BUFFER ZONE SHALL BE MAINTAINED AS NATURAL WETLANDS. ALL OTHER PLANTING SHALL BE MAINTAINED AS NATURAL WETLANDS.
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**WETLAND APPLICATION & RESTORATION PLAN**  
**PARCEL M-9-0-71**  
 291 GLENALLEN STREET  
 WINCHENDON, MA

PREPARED FOR:  
 DARREN SENECA  
 291 GLENALLEN STREET; WINCHENDON, MA

OCTOBER 10, 2019







# West St. Solar Land Transfer

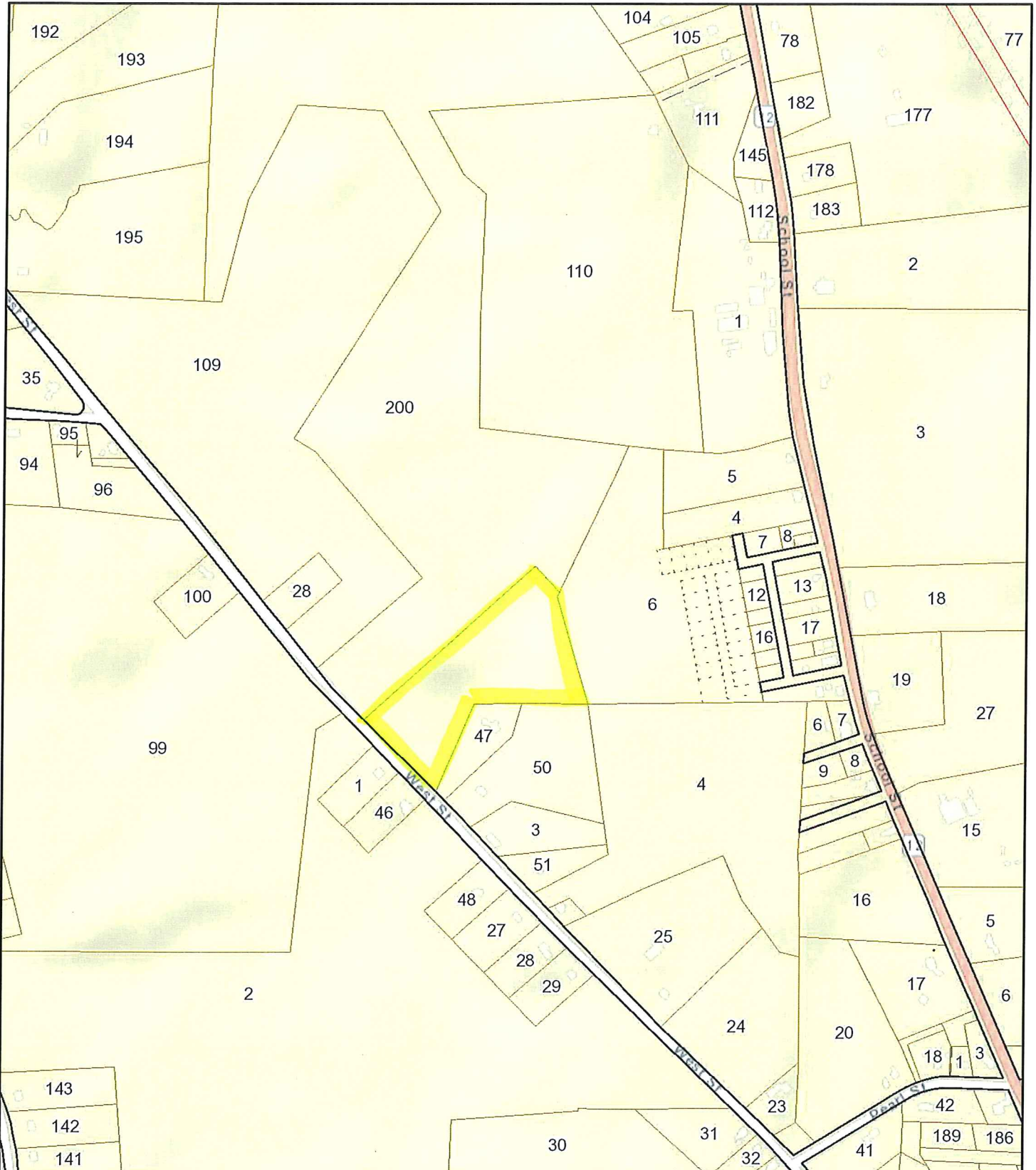
Winchendon, MA

1 inch = 553 Feet



December 8, 2021

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

QUITCLAIM DEED

**Winchendon Ventures LLC**, a Massachusetts limited liability company, having an address of 1 Atlantic Avenue, Salisbury, Massachusetts 01952

For consideration paid of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants to

The **Town of Winchendon**, a Massachusetts municipal corporation, acting by and through its Conservation Commission, pursuant to the provisions of G.L. c. 40, §8C, having an address of Winchendon Town Hall, 109 Front Street, Winchendon, Massachusetts 01475,

With Quitclaim Covenants,

The following parcel of land in Winchendon, Worcester County, Massachusetts:

A certain parcel of land situated off the Easterly side of West Street in said Winchendon, containing 8.00 acres, more or less, and shown as "Lot 2" on a plan entitled "ANR Plan West Street 1 Solar Winchendon, MA (Worcester County)," dated January 17, 2018, prepared by Beals & Thomas, recorded with the Worcester South Registry of Deeds in Plan Book 933, Plan 119.

Being a portion of those premises in a certain deed from David E. Murray, dated May 25, 2004, recorded with the Worcester South Registry of Deeds in Book 34094, Page 336.

**No deed stamps are due under G.L. c. 64D, §1.**

The undersigned certifies compliance with the provisions of G.L. c. 59, §72A.

This conveyance of the above-described property does not constitute a sale or conveyance of all or substantially all of the assets of said Winchendon Ventures LLC

The Town's Acceptance of Deed is attached hereto and recorded herewith.

[Signature Page Follows]

ACCEPTANCE OF DEED

The Town of Winchendon, acting by and through its Conservation Commission, pursuant to the provisions of G.L. c. 40, § 8C, hereby accepts the foregoing deed from Winchendon Ventures LLC to property located off West Street, Winchendon, for conservation and passive recreation purposes on this 16 day of December 2021.

TOWN OF WINCHENDON,  
By its Conservation Commission

\_\_\_\_\_  
Kyle Bradley

\_\_\_\_\_  
Lionel Cloutier

\_\_\_\_\_  
Melisa Blanchard

\_\_\_\_\_  
Ken Wante

\_\_\_\_\_  
David Whitaker

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Winchendon Conservation Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the Town of Winchendon.

\_\_\_\_\_  
Notary Public  
My Commission Expires