

# TOWN OF WINCHENDON



WINCHENDON TOWN CLERK  
RCUD NOV 5 2020 PM4:01

## NOTICE OF MEETING & PUBLIC HEARING

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.

**BOARD/COMMITTEE:** Conservation Commission

**DATE:** Thursday, November 12, 2020 **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: 967 7763 4723**

**Passcode: 9738368**

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

<https://winchendonk12.zoom.us/j/96777634723?pwd=UmRCZkh6Wk0vTjRENlcyQzZUZnFSUT09>

To call in and participate in audio via any telephone

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](http://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 and Public Hearings will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town's website, at [www.townofwinchendon.com](http://www.townofwinchendon.com). For this meeting, members of the public who wish to observe the meeting may do so via zoom using the information provided above. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment. In the event that we are unable to do so, despite best efforts, we will post on the town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

### Agenda:

Call to Order

Minutes                      9/10/2020                      10/8/2020

Announcements            Vacancy – Appeal for Member

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6:05 pm Notice of Intent Hearing DEP 345-0708

- Applicant: George Mizhir (All American Builders) Rep: Paul Grazewicz
- Project Address: 614 School Street; Assessor's Map 1, Parcel 247
- Description: Construction of a new single family home with well, septic system and associated grading and landscaping.

6:10 pm Notice of Intent Hearing DEP 345-0711

- Applicant: Fred Calvin Miller
- Project Address: 165 Fourth Street; Assessor's Map 4, Parcel 3
- Description: Replacement of a retaining wall and addition of railing, replacement of existing stairs of brick/wood construction, removal of large oak tree, improvements to steps and walkways and reconstruction of existing seawall. DEP review highlights that a Chapter 91 Waterways License may be required.

6:15pm Notice of Intent Hearing DEP 345-0710

- Applicant: Kameel Nasr
- Project Address: 566 Lakeview Drive; Assessor's Map 9, Parcels 14 & 101
- Description: Replacement of the existing septic tank and D-Box and related site work.

Certificate of Compliance Request- 406 Lakeview - Mark Tambling  
Enforcement Orders 365 Glenallen – Richard Jameson  
436 Maple – Christopher Hart

Discussion of likely request for Amended Order of Conditions allowing for changes to the fencing proposed for the ECOS Solar project on Spring Street.

Marchmont Annual Inspection - As a Forest Legacy Project annual monitoring is required. The past few years DCR has hired a summer seasonal to help towns out with these monitoring responsibilities, but due to Covid that position didn't happen this year. Dave Whitaker has agreed to do the monitoring and report.

Discussion and possible vote on septic/well repairs as accessory to residential use

Adjourn



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

**WHEREAS**, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

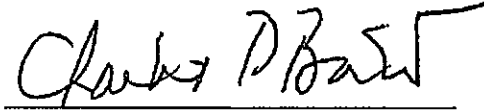
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 8:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in black ink, appearing to read "Charles D. Baker". The signature is written in a cursive style with a horizontal line underneath it.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts