

TOWN OF WINCHENDON



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, December 10, 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: 941 0199 0149 **Passcode: 3614390**

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

<https://winchendonk12.zoom.us/j/94101990149?pwd=TIg0NnE2bGYrRm9rTmlGNVlTeTVxZz09>

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

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. For this meeting, members of the public who wish to observe the meeting may do so via zoom using the information provided above

Agenda:

Call to Order

Minutes 11/12/2020

Announcements Vacancy – Appeal for Member

6:30pm Notice of Intent Hearing Continuation DEP 345-0706

- Applicant: Greg Neumaier
- Project Address: 336 Lakeview Drive; Assessor's Map 12, Parcel 24
- Description: The proposed work includes reconstruction of walkways and grading for drainage improvements near Lake Monomonac.

TOWN OF WINCHENDON



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- | | | |
|---------|---|--------------|
| 6:10 pm | Notice of Intent Hearing
• Applicant: Kenneth LaBrack
• Project Address: 125 Island Road; Assessor's Map 1, Parcel 5
• Description: Removal of a single healthy pine tree on the beach. | DEP 345-0713 |
| 6:15pm | Request for Determination of Applicability
• Applicant: Christian Dellogono
• Project Address: 140 Main Street; Assessor's Map 4D4, Parcels 44
• Description: Installation of a new septic system and associated work in wetland buffer. | |
| 6:20pm | Notice of Intent Hearing
• Applicant: Diane Coulter
• Project Address: 55 Island Road; Assessor's Map 2, Parcels 8
• Description: Construction of a new retaining wall with steps in wetland buffer adjacent to garage. | DEP 345-0712 |

Certificate of Compliance Requests

94 Mill Glen – Sean Pepper (Order of Conditions DEP# 345-0466)

52 West Shore Drive – Scott Bullen (Order of Conditions DEP # 345-0705)

Enforcement Orders

6 Island Road – Cindy Fitch

Update 365 Glenallen Street – Richard Jameson

Adjourn

TOWN OF WINCHENDON



Conservation Commission Regular Meeting/Public Hearing Minutes

November 12, 2020 remotely at www.zoom.com
Meeting ID: 967 7763 4723 Passcode: 9738368

Members Present: Dave Whitaker, Ken Wante, Melissa Blanchard, Kyle Bradley (arrived 6:13)

Others Present: Alison Manugian (Conservation Agent), Trevor Fletcher, Kameel Nasr, Rodney Galton,

6:08pm Meeting called to order by Acting Chair D. Whitaker.

Announcements None

Notice of Intent Hearing DEP 345-0708

- Applicant: George Mizhir (All American Builders) Rep: Trevor Fletcher
- 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.

Acting Chair D. Whitaker read the legal hearing notice and the hearing was opened.

Trevor Fletcher presented the project and answered questions. Soil testing was done last year for this site and the presented layout is the only viable option. All work is outside of the 50' buffer and the entire site will be outlined with silt fence.

A Manugian, K. Wante & M. Blanchard indicated no concerns with the proposed project.

K. Wante motioned to close the hearing and issue an order of conditions with the Commission's standard conditions. M. Blanchard seconded the motion and all present (Whitaker, Wante & Blanchard) voted aye via roll call vote. K. Bradley abstained as he wasn't present for the opening of the hearing.

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.

D. Whitaker read the legal hearing notice and the hearing was opened by K. Bradley

TOWN OF WINCHENDON
Conservation Commission Minutes – November 12, 2020

FC Miller presented the project – the project was permitted in 2013 but wasn't started. The intent is to reconstruct the existing seawall replacing the existing steps with 3' wide stairs. The walkway from the new stairs will be replaced and widened. The existing leaning 3' stone retaining wall will be replaced.

Commission members highlighted the need for silt fence and haybales installed between the project and the water with work to be done while the lake level is down and there is a sand area exposed.

FC Miller responded to inquiry regarding the DEP mention of possible Ch 91 waterways permitting; the requirement for such a permit is for work to be done below the high water line of a great pond, as averaged over a 1 year period. Given the annual season drawdown the high water level is below the intended work. Hence no Ch91 permit is required.

D. Whitaker moved to close the public hearing and K. Wante seconded the motion. All voted aye via roll call.

K. Wante motioned to grant the Order of Conditions with standard conditions and requirement for erosion controls. D. Whitaker seconded this motion and all members voted aye via roll call vote.

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.

D. Whitaker read the legal hearing notice and the hearing was opened by K. Bradley

Kameel Nasr outlined the project – replacement of the septic tank and distribution box where they are currently located. The Board of Health has approved the project and there are no concerns with the well location or water quality.

Commission members indicated no concerns and applicability of standard conditions.

D. Whitaker moved to close the public hearing and M. Blanchard seconded the motion. All voted aye via roll call.

K. Wante motioned to grant the Order of Conditions with standard conditions. D. Whitaker seconded this motion and all members voted aye via roll call vote.

Certificate of Compliance Request- 406 Lakeview - Mark Tambling

Mark Tambling provided a summary of the project – removal of fill and restoration of wetlands across Lakeview from their residence. John Walker inspected the project and certified completion of work per plans. Six new trees have been planted along the 50' buffer line to create permanent divide.

TOWN OF WINCHENDON
Conservation Commission Minutes – November 12, 2020

M. Blanchard motioned to grant the Order of Conditions with standard conditions and requirement for erosion controls. K. Wante seconded this motion and K. Wante, M. Blanchard, K. Bradley voted aye via roll call vote; D. Whitaker wasn't present due to technical difficulties.

Enforcement Orders

385 Glenallen – Richard Jameson

A Manugian updated the Commission that the owner and his attorney have a plan for restoration and have been in regular contact. Consensus of the Commission after brief discussion was that the Agent can resolve this and update the Commission.

436 Maple – Christopher Hart

A Manugian explained that a shed has been built on this parcel within 50' of the river at the rear of the property. A Manugian is seeking guidance on issuance of an enforcement order – requiring application via the notice of intent process or removal of the shed. Discussion yielded consensus that removal would be detrimental to the wetland and that the entire property is within the riverfront zone, making placement difficult. Concern was expressed to understand, and possibly restrict, what is stored in the shed.

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

Rodney Galton of Ecos Energy provided an overview of the changes and reasoning. The intent is to shift the proposed fencing to the property line as much as feasible for liability and safety reasons. This has been suggested by the Environmental Police and supported by the Winchendon Police given the heavy ATV traffic, and recent fatality, in this area. The fence will be the same as was initially proposed – 7' high chain link with a 6" gap at the bottom for wildlife movement. With the property line enclosed the interior fencing won't be necessary and the area within the site will be more open to wildlife.

D. Whitaker indicated his full support for the change in fencing; stating that the atvs do far more damage than the fence installation ever could. Other Commission members indicated support for the change as well.

Ecos Energy will need to make a formal submission and present the change in an advertised public hearing.

Discussion of septic system and well repairs at existing residences.

State regulations have an exemption for minor activities including "conversion of lawn to uses accessory to residential structures" which are done in compliance with other regulations. A Manugian asked that the Commission consider a finding that repairs to existing septic systems and wells be included within this exemption. Commission members had a brief discussion of this topic and all agreed that this makes sense.

D. Whitaker motioned that repairs to existing septic systems and wells be included in this exemption. M. Blanchard seconded the motion and all voted aye via roll call vote.

TOWN OF WINCHENDON
Conservation Commission Minutes – November 12, 2020

Minutes were included in the meeting packet in draft form for review, discussion and approval.

M. Blanchard motioned to approve the September 10, 2020 minutes as presented. D. Whitaker seconded the motion and all voted aye via roll call vote.

D. Whitaker motioned to approve the October 8, 2020 minutes as presented. M. Blanchard seconded the motion and all voted aye via roll call vote.

K. Wante motioned to adjourn the meeting and D. Whitaker seconded the motion all all voted aye via roll call vote.

Chair adjourned the meeting at 7:06pm

DRAFT

This project originally came to the commission two or three meetings ago. The primary concern was with the regrading and proposed

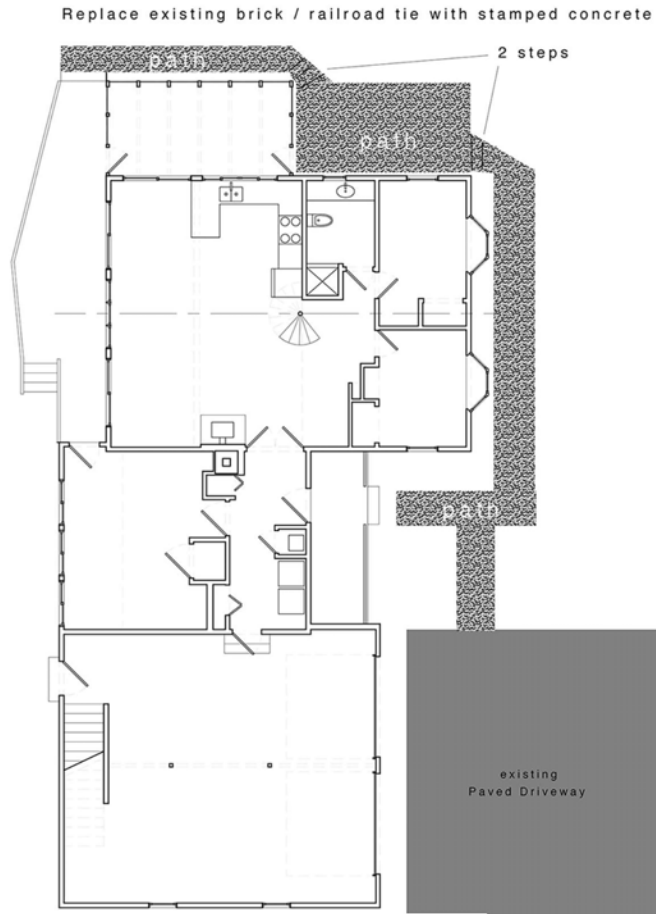
runoff toward the lake. The applicant was asked to consider other alternatives. At this point no additional information has been submitted.

LAKE

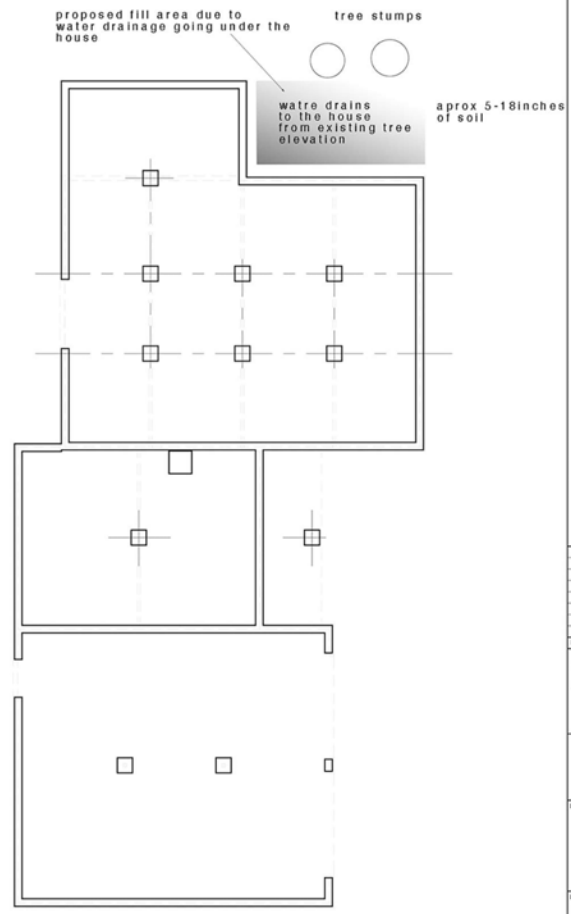
protective barrier fencing

LAKE

protective barrier fencing



1 EXISTING 1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 EXISTING FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



JAREK TRESKO
ARCHITECT, LLC
303 FIFTH AVE. SUITE 705
NEW YORK, NY 10016
ph. 646-334-0094

MORALES & NEUMAIER
RESIDENCE
336 LAKEVIEW DRIVE
WINCHENDON, MA 01475

DATE: 8-25-20
SCALE: AS NOTED
DRAWING NO: A-100.00
DRAWING SET: DOB
SHEET NUMBER: - OF -



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, December 10, 2020 at 6:10 pm to consider the Notice of Intent filed by Kenneth LaBrack for proposed work within the 100-foot Buffer Zone to Bordering Vegetated Wetlands at 125 Island Road, Assessor's Map 1, Lot 5. The proposed work includes removal of a single pine tree on the beach. The hearing will be held remotely via www.zoom.com or if it is safe to do so, in the 2nd Floor Auditorium of the Winchendon Town Hall, 109 Front Street.

Additional information is available by emailing amanugian@townofwinchendon.com.

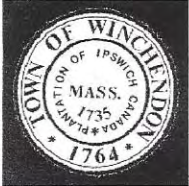
December 3

Why did I get this notice?

We send this notice to comply with Massachusetts law and/or local regulations that require notice to applicants, abutters and other parties in interest of a pending land issue.

If this is a notice of public hearing or project application you have the right to attend the hearing and participate.

If you have questions please email Alison Manugian at amanugian@townofwinchendon.com



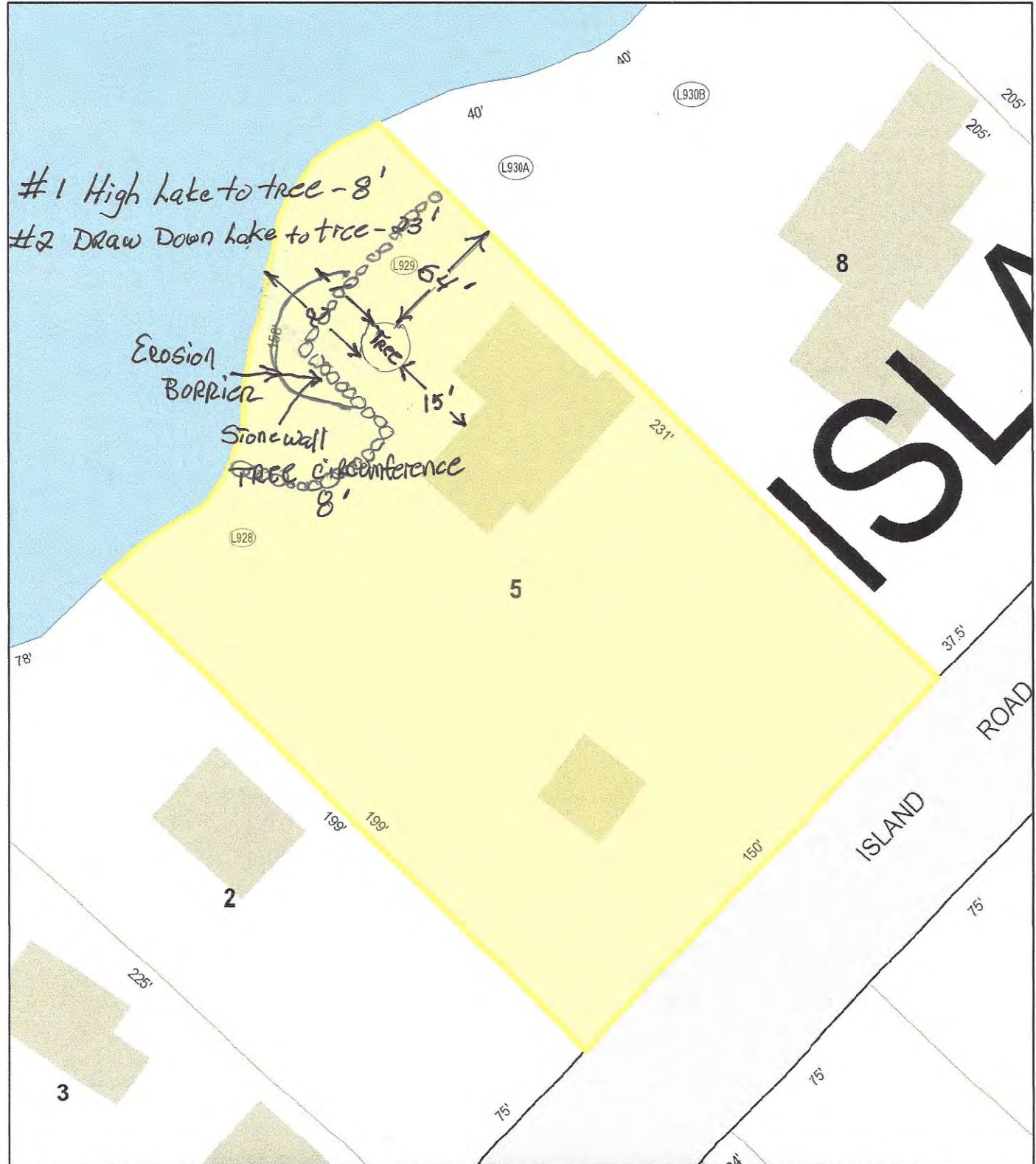
125 Island Road

Winchendon, MA

1 inch = 40 Feet



November 17, 2020



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.

“WINCHENDON - NOI – 125 ISLAND ROAD – WINCHENDON”

EROSION PLAN

FOR CUTTING THE PINE TREE ON 125 Island Road, Winchendon, MA

My plan for erosion/silt control for cutting the tree is a simple one.

Depending on what the Winchendon Conservation Commission wants or requires, I propose two methods.

- Purchase one foot high silt control fencing placed in a circle approximately 10 feet from the base of the tree to extend to a stone wall on each side, which is located to prevent any runoff into Lake Monomonac.
- The above fence would be backed up by hay bales.
- The second proposal since there is no construction of building taking place, would be to purchase an 8” x 20 foot erosion/silt sock to encircle the base of the tree from the stone wall to stone wall, separating the tree from the lake. This socks collects silt but lets water through.

The sock would not require the land owner to purchase approximately 8 or more bales of hay, and have to dispose of them at a later date.

Submitted by,

Kenneth LaBrack

Owner 125 Island Road

Winchendon, MA 01475-2340

978-297-1656 Home phone

Silt Sock 8" Diameter x 20'

Model Number: SS8x20 | Menards® SKU: 1719568



Online Price

EVERYDAY LOW PRICE \$27.99
 11% MAIL-IN REBATE Good Through 11/25/20 \$3.08
FINAL PRICE **\$24.91** each

You Save \$3.08 After Mail-In Rebate

37 People have purchased this product in the past 30 days

* Mail-in Rebate is in the form of merchandise credit check, valid in-store only. Merchandise credit check is not valid towards purchases made on MENARDS.COM®.

FREE Ship To Store

Enter Your ZIP Code for store information

Shipping

Available

Description & Documents

Silt Socks allow water to flow through at a controlled rate while trapping sediment. This is accomplished by a filter fabric filled with organic material. The design of the sock provides intimate contact with the ground preventing water from flowing underneath.



Dimensions: 8" x 20'
Shipping Dimensions: 48.00 H x 40.00 W x 8.00 D
Shipping Weight: 90.0 lbs

Brand Name: **Silt Sock**

Features

- Silt Socks are a filter fabric sock filled with wood chips or compost.
- Filled socks may be used as an alternative to silt fence in many areas.
- The socks are filled with 100% wood recycled from new construction debris. This filler is inert, free of seed, low in moisture content and incredibly environmentally friendly.
- The sock is an effective erosion control device with a lower profile making your project easier to access and more aesthetically pleasing.
- An effective perimeter control device.
- Does not need to be staked down unless on a slope
- Reusable

Specifications

Product Type	Erosion Control	Material	Mesh
Overall Height	8 inch	Color/Finish	Black
Overall Width	8 inch	Weight	150 pound
View Return Policy	Regular Return		

Please Note: Prices, promotions, styles and availability may vary by store and online. Inventory is sold and received continuously throughout the day; therefore, the quantity shown may not be available when you get to the store. This inventory may include a store display unit. Online orders and products purchased in-store qualify for rebate redemption. Mail-in Rebate is in the form of merchandise credit check, valid in-store only. Merchandise credit check is not valid towards purchases made on MENARDS.COM®. By submitting this rebate form, you agree to resolve any disputes related to rebate redemption by binding arbitration and you waive any right to file or participate in a class action. Terms and conditions available at www.rebateinternational.com®

TOWN OF WINCHENDON

Conservation Commission



Telephone (978) 297-5410

109 Front Street
Winchendon, Massachusetts 01475-1758

Legal Notice Winchendon Conservation Commission

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Additional information is available by emailing amanugian@townofwinchendon.com.

Why did I get this notice?

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TOWN OF WINCHENDON

Conservation Commission



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109 Front Street
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Additional information is available by emailing amanugian@townofwinchendon.com.

December 3

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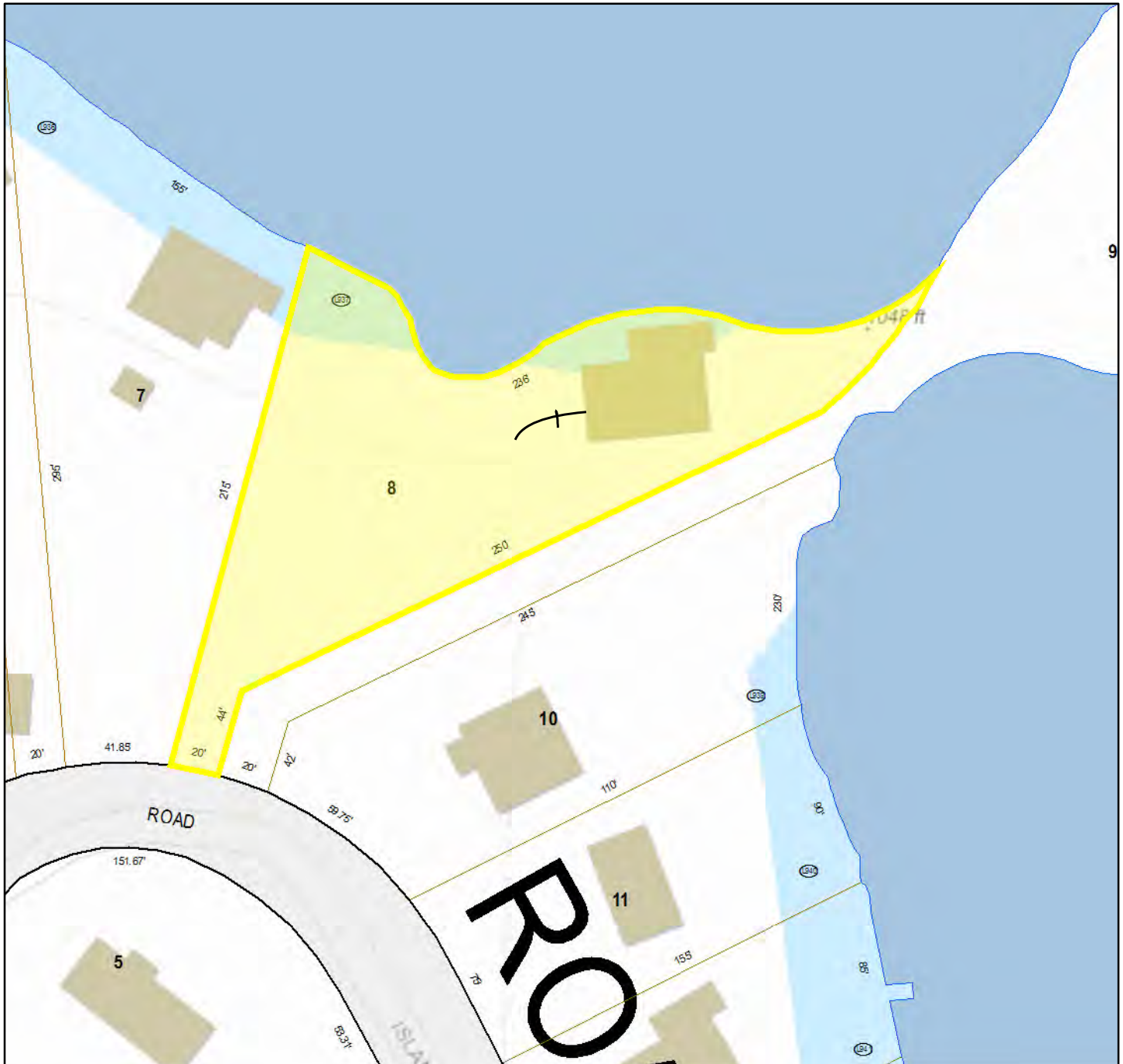
55 Island Road

Winchendon, MA

1 inch = 60 Feet



August 25, 2020



	PWater		Right of Ways
	Property Line		Water-poly
	Public Road		
	Buildings		

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.





Larger circle is proposed wall, smaller circle is 2 or 3 stairs



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

193-0646
 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:

Scott
 Name
Bullen
 Mailing Address
52 West Shore Drive MA 01430
 City/Town State Zip Code
(978) 895-0260
 Phone Number

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

Scott Bullen
 Applicant
10/27/20 345-0705
 Dated DEP File Number

3. The project site is located at:

52 West Shore Drive Winchendon
 Street Address City/Town
6 27
 Assessors Map/Plat Number Parcel/Lot Number

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

Scott D. Bullen & Lorraine R. Bullen
 Property Owner (if different)
Worcester 61751 34
 County Book 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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

193-0646

Provided by DEP

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

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>).



Completed work
52 West Shore Dr
Bullen



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:

Sean Pepper

Name

141 Hitchcock Rd.

Mailing Address

Winchendon

City/Town

MA.

State

01475

Zip Code

978-340-0809

Phone Number

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

Sean Pepper

Applicant

2005

Dated

DEP File Number

3. The project site is located at:

94 Mill Glen Rd.

Street Address

Winchendon

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

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

Property Owner (if different)

County

Book

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

Provided by DEP

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

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>).

Town of Winchendon
109 Front Street
Winchendon, MA 01475



Land Use
Conservation
Planning and Development

November 19, 2020

Richard Jameson
385 Glenallen Street
Winchendon, MA 01475

RE: Map 5, Parcel 1

Dear Mr. Jameson,

I appreciate the opportunity to meet with you and Attorney Keith Glenny at your property earlier today. Reviewing the area outlined in the enforcement order was helpful. This visit was precipitated by the Enforcement Order issued in June and the subsequent fine issued in August. The hearing date is scheduled for January 5, 2021 via zoom.

As we discussed this morning the restoration of the area is one of the alternatives open to you in response to the enforcement order issued. Restoration of the impacted area is the most straight forward path at this point. To that end to accomplish this restoration please complete the following tasks:

- Remove the wood chips remaining on the ground outside of the immediate area of your raised garden beds (to be completed by May 15, 2021).
- No materials shall be added to or removed from the lake.
- Agree not to add additional blocks or plantings (excepting the raised garden beds) within 50' of the lake.
- Agree that there will be no tractor or other large equipment used in this area within 50' of the lake.

In the future any plans or projects with elements within 100' of the lake should begin with a call to the Conservation Agent to understand the permissions and permits required. The Town of Winchendon Conservation Commission is responsible for enforcement of the Local Wetlands Bylaw and the Commonwealth of Massachusetts Environmental Regulations.

Please sign and return to me a copy of this letter. Once signed this will become the reference document for closeout of the open enforcement order. Please do not hesitate to contact me with questions; I can be reached at 978-297-5410 or via email to amanugian@townofwinchendon.com.

Regards,

Alison Manugian
Conservation Agent

Richard Jameson

Date



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

A. Violation Information

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



This Enforcement Order is issued by:

Town of Winchendon Conservation Commission
 Conservation Commission (Issuing Authority)

November 24, 2020
 Date

To:

Cindy Lu Fitch

Name of Violator

6 Island Rd Winchendon MA 01475

Address

1. Location of Violation:

Property Owner (if different)

Street Address

City/Town

Zip Code

Assessors Map/Plat Number

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Fill & grading within 100' buffer
 to Lake Monomonic

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

B. Findings (cont.)

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____ Dated _____

File Number _____ Condition number(s) _____

The Order of Conditions expired on (date): _____ Date _____

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.
- A restoration plan shall be filed with the issuing authority on or before _____ Date _____

for the following:

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



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C. Order (cont.)

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

December 21, 2020

Date

for the following:

work completed, in progress & proposed for all of 6 Island Rd.

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

installation of silt fence + haybales along driveway, across front of deck to property line preventing wetland runoff impacts

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Alison Manugian

Name

978-297-5410

Phone Number

M 830-6 Tu-Th 830-5

Hours/Days Available

Issued by:

Winchendon

Conservation Commission

Conservation Commission signatures required on following page.



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D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Alicia S. Manuogian - Conservation Agent

Signature of delivery person or certified mail number



Email dated 11/23/2020.