

January 22, 2024

Nicole Roberts – Planning & Land Use Coordinator
Winchendon Zoning Board of Appeals
Town Hall
109 Front Street, Dept 11
Winchendon, MA 01475

Subject: Special Permit Renewal - Revised
River Street, Winchendon, MA
CEC Project 306-000

Dear Ms. Roberts:

On behalf of 580 River Street LLC (the Applicant), Civil & Environmental Consultants, Inc. (CEC) is pleased to submit this Special Permit renewal for the earth removal operation, sand and gravel processing, asphalt, brick, and concrete (ABC) recycling, and leaf and yard waste composting located on River Street. This application is being submitted under Article 6.2, Non-Conforming Uses, of the Town of Winchendon Zoning Bylaws. This application supersedes the application previously submitted to the Town on January 17. The application has been revised to incorporate comments received by the town on January 18, 2024. The Special Permit application form is provided as Attachment A.

It is our understanding that there is no permit application fee; however, there are fees associated with posting the legal advertisement and abutter's notices. CEC will provide payment of the \$7 fee per abutter upon receipt of a certified abutters list from the Town.

CEC will also provide payment of the legal advertising fee in the Gardner News when the advertisement has been coordinated. It is CEC's understanding that the Town is responsible for coordinating the legal advertisement and providing notices to abutters, and that the Applicant is only responsible for paying associated fees.

Background Information

As previously recognized by the Winchendon Zoning Board of Appeals, the earth removal and processing operation is a pre-existing nonconforming use that is grandfathered from Winchendon's Zoning Bylaws because it existed before the district where it operates was zoned residential in 1958. The Zoning Board of Appeals has previously issued a Special Permit under the nonconforming use provisions of the Zoning Bylaw. Chronological permit issuance and renewals are listed below:

- The Zoning Board issued a Special Permit in January 1989. The Zoning Board's decision to issue the Special Permit was subsequently appealed; however, no action appears to have been taken and the appeal was later dismissed in March 1996.

- The Building Commissioner issued a violation on December 2, 1998, stating that the operation must cease on January 6, 1999.
- The Zoning Board of Appeals overturned the Building Commissioner’s decision on July 7, 1999.
- The Zoning Board issued a Decision on July 21, 1999 amending the original Special Permit, while also declaring that the Special Permit was effective as of December 2, 1998 and valid for ten years.
- The Zoning Board of Appeals granted a ten-year renewal of the Special Permit in November 2008. The 2008 renewal included the approval of a leaf and yard waste composting operation.
- The Massachusetts Permit Extension Legislation of 2010 and 2012 added four years to the term of any permit in existence as of the Fall of 2008 which extended the Special Permit expiration date to December 2, 2022.
- COVID-19 Order No. 42 further extended the permit expiration date, as described below.

Copies of the permit decisions and documentation listed above are provided in Attachment B.

COVID-19 Order No. 42

The processing and approval of permits and the hearing of decision deadlines had been impacted by the declared COVID-19 state of emergency. On July 1, 2020, the Baker-Polito administration issued COVID-19 Order No. 42 to toll the expiration dates of valid state permits.

It is the Applicant’s understanding that, prior to the COVID-19 state of emergency, the existing Special Permit was set to expire on December 2, 2022. This is based on the effective permit date of December 2, 1998 and the permit term of ten years (as stated in the July 21, 1999 Zoning Board decision), the additional ten-year renewal in 2008, and the four-year extension granted by the 2010 and 2012 Permit Extension Legislation.

Order No. 42 directed that updated renewal dates be calculated as follows:

... determine how many days remained as of March 10, 2020 until the approval or the deadline to record would have expired, and that same number of days will remain as of the date that the state of emergency is terminated.

The COVID-19 State of Emergency was effectively terminated on June 15, 2021, as declared in the COVID-19 Order No. 69 issued on May 28, 2021.

Based on a permit expiration date of December 2, 2022, there were 997 days remaining in the Special Permit as of March 10, 2020. The remaining 997 days in the permit term commenced on June 15, 2021 (upon termination of the COVID-19 state of emergency), which results in an updated expiration date of March 8, 2024.

Nicole Roberts – Planning & Land Use Coordinator
Winchendon Zoning Board of Appeals
CEC Project 306-000
Page 3
January 22, 2024

Special Permit Renewal

The Applicant requests both an extension and amendment to the existing Special Permit, as described below.

In addition to extending the Special Permit and continuing the currently permitted operations, the Applicant requests an increase to the allowable number of hauling vehicles for the Site from 64 vehicles per day to 75 vehicles per day. The Applicant has been operating in accordance with the conditions listed in the Special Permit renewal dated November 18, 2008. Truck traffic accessing the site does not use Hale Street or Sibley Road for the purpose of hauling materials to and from the site.


As noted above, the current Special Permit expires on March 8, 2024. Therefore, we kindly request that this matter be included on the agenda for the Zoning Board of Appeals meeting scheduled for February 28, 2024.


The Applicant understands that the Board’s decision is followed by a 20-day appeal period. The Applicant requests that, following the Board’s decision, operations are allowed to continue throughout the duration of the appeal period in accordance with the current Special Permit. If granted approval to amend the Special Permit and increase the daily vehicle trips, the Applicant would operate in accordance with current permits (that is, no more than 64 hauling vehicles trips per day) until the appeals process is completed.

Please do not hesitate to contact either of the undersigned at (774) 501-2176 with any questions or comments. Thank you for your consideration of this matter.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.


Kyle F. Hampton, E.I.T.
Project Manager


Amy J. Knight, P.E.
Vice President

Attachments: Attachment A – Planning Decision Petition Permit Form
Attachment B – Previous Permits and Documentation
Attachment C – COVID-19 Orders No. 42 and No. 69
Attachment D – Site Plan

Cc: Joe McManus – 580 River Street, LLC
Jarrett Everton – 580 River Street, LLC

ATTACHMENT A

PLANNING DECISION PETITION PERMIT FORM

ATTACHMENT B

PREVIOUS PERMITS AND DOCUMENTATION

155076 OFFICE OF

BOOK 21914 PAGE 85

TOWN CLERK

TELEPHONE 297-2766
WINCHENDON, MASS. 01475



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CERTIFICATE OF TOWN CLERK

I CERTIFY that a decision of the Winchendon Zoning Board of Appeals concerning expansion of a gravel operation of C.J. Mabardy Washed Sand & Gravel Inc. dated January 6, 1989 was filed in this office on January 11, 1989; I further CERTIFY that this decision was appealed to the Land Court on January 23, 1989, and that this appeal was dismissed on March 20, 1996.

Attest:

Lois A. Regan
Lois A. Regan
Town Clerk

Seal

99 OCT -4 AM 10:52

Return:
Moehrke, Mackie + Shea, PC
283 Dartmouth St
Boston, MA 02116

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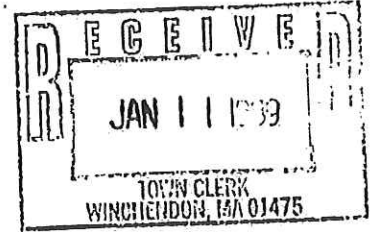
A TRUE COPY ATTEST

Sara A. Regan
Town Clerk

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WINCHENDON

BOARD OF APPEALS



.....January 6.....1989

Decision of the Board of Appeals on the appeal and petition of C. J. Mabardy Washed Sand & Gravel, Inc., 50 Mooney St., Cambridge, MA (EARTH REMOVAL)

The Winchendon Zoning Board of Appeals ("the Board") held public hearings on September 28, October 5, October 12, November 7, November 30 and December 14, 1988 at the Beal's Memorial Library upon the application of C. J. Mabardy Washed Sand & Gravel, Inc. ("Mabardy"). Present at all hearings were regular Board members Richard Jameson, Kenneth Girouard, Norman Norcross, Charles Lemire and Doris Pineo.

Mabardy sought a Special Permit pursuant to G. L. c. 40A § 6 for a pre-existing nonconforming commercial earth removal operation on its property located off River Street in the Waterville section of Winchendon. Mabardy owns 148 acres off River Street ("the Site"). The entire Site is located in an R-1 Zoning District.

Mabardy's application consisted of the following documents: an application and accompanying Report to Accompany Special Permit Application, Winchendon Landfill, Prepared by GHR Engineering Associates ("GHR"), a set of 12 plans, and a conceptual site plan. The record of this Decision also includes transcripts of the public hearings on October 5, October 12, November 7, November 30 and December 14, 1988; numerous documents, aerial photographs and models of the proposed property submitted to the Board by Mabardy at the hearing and other documents and materials submitted by persons testifying at the hearing.

The Board has also received and considered the written comments and recommendations of the Planning Board (dated September 20, 1988 and November 3, 1988), Frederick A. Cloutier, Traffic Safety Officer (dated August 15, 198) and Barry P. Fogel, Regional Director, Department of Environmental Quality Engineering (dated November 7, 1988).

Requirements of the Zoning Bylaw

Pursuant to the Winchendon Zoning Bylaw, the Board is empowered to grant Special Permits for commercial earth removal operations, Bylaw Section 3.21(h). The Bylaw permits commercial earth removal operations in all zoning districts by special permit. Because Mabardy's earth removal operation was in existence prior to the enactment of zoning in April, 1958, however, its request for a special permit is not governed by the provisions of Section 3.21(h) of the Bylaw. Instead, it is governed by the nonconforming use provisions of the Bylaw pursuant to Section 3.4.

Section 3.43 of the Bylaw permits the alteration of the nonconforming use of a building and structure pursuant to a special permit issued by this Board. While the Bylaw permits extension of nonconforming uses within the boundaries of the property, it does not, however, set forth the standards to be applied to expanding or altering nonconforming uses of property. Because the Winchendon Zoning Bylaw cannot produce a result which is inconsistent with the Zoning Enabling Act, G.L. c. 40A, then the Act, in this instance G.L. c. 40A, §6, supplies the standard to be used by the Board. Board of Appeals of Hanover v.

Housing Appeal Committee, 363 Mass. 339, 360 (1973) and Baldiga v. Board of Appeals of Uxbridge, 395 Mass. 829, 834-835 (1985).

Accordingly, the standard the Board applied is as follows:

Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

In consideration of the testimony and documents submitted at the hearing the Board makes the following findings of fact and conclusions of law.

Findings of Fact

A. The Mabardy Gravel Pit is a Pre-Existing Nonconforming Use.

The site which is owned and operated by Mabardy consists of a total of 148 acres which is divided into two parcels. The larger parcel consists of 102 acres on the west side of River Street and 46 acres the east side of River Street. Mabardy purchased the property in March, 1973 from Thomas Quinn Company, Inc. The property conveyed by Quinn to Mabardy comprised 148 acres of which 102 acres had been purchased by Quinn in August, 1962 from Raymond W. Whitaker, Winchendon Washed Sand, Inc. and Lincoln J. Magee. The additional 46 acres had been purchased by Quinn in 1965 from Alfred C. May and Henry R. May.

Lincoln J. Magee conducted gravel operations at numerous locations throughout the 102-acre parcel prior to April 3, 1958, the date of the first Zoning Bylaw enacted by the Town of

Winchendon. Alfred and Henry May conducted gravel operations on the 46-acre parcel beginning in the early 1950's. The Site has been operated as a gravel pit since the 1930's.

The Board finds that the gravel pit operated by Mabardy at the Site is a pre-existing nonconforming use for purposes of Section 3.4 of the Winchendon Zoning Bylaw and G.L. c. 40A, §6.

B. Characteristics of the Gravel Operation Prior to 1958.

Several witnesses testified regarding the gravel removal operations at the Site prior to 1958. Al Lemire testified that Alan Bailey had operated a screen and drag line in the late 1930's and early 1940's on the 102-acre parcel. Mr. Lemire hauled gravel from the pit during Bailey's ownership of it.

Mr. Lemire also worked on the Site in the 1950's. He testified that there were three or four employees on the Site and that they mined gravel at various locations throughout the Site. Mr. Lemire indicated that the operation was open between 8:00 A.M. and 4:00 P.M. five days per week. He indicated that a crushing plant was constructed on the Site in the mid-1950's. Four ten-wheel trucks were used in connection with the gravel operation. Mr. Lemire also stated that the May brothers conducted earth removal operations on the 46-acre parcel during the 1950's.

Peter Morneau testified that he worked at the Site in the mid-1950's. At that time, a crushing plant was in use. The plant was open from 8:00 A.M. to 4:00 P.M. five days per week and was closed on weekends and holidays. He recalls an average

of three to four employees working at the Site. Mr. Morneau indicated that on many days 15 to 20 loads of gravel were hauled from the Site. He also stated that the number of residences located along River Street are the same today as were in existence in the 1950's.

Finally, Mel Salera testified that he constructed the crushing plant for Dr. Magee in the mid 1950's. It was a two stage sand and gravel plant which processed approximately 100 tons of gravel per hour.

C. Characteristics of the Existing Operation

Mabardy operates a washed sand and gravel business on the Site on a year-round basis. The operation is open five days per week between 7:30 A.M. and 4:00 P.M. It is closed on weekends and holidays.

Mabardy employs three people at the Site. The gravel operation includes two large crusher plants and two bulldozers, two front-end loaders and two off-highway dump trucks.

At the present time an average of fifty to sixty trailer trucks haul gravel from the Site each day. The trucks generally access the site via River Street and Route 202.

Mabardy obtained a site assignment for a demolition only landfill for the Site on November 12, 1976. It operated a demolition landfill on the 102-acre portion of the Site between 1976 and 1985. During that time, approximately four acres of land were filled with demolition material. The landfill ceased operation in 1985 pursuant to a cease and desist order issued by DEQE for failure to obtain operating plan approval. In 1986,

Mabardy obtained plan approval, but the landfill was not reopened pending resolution of the zoning question now being decided by this Board.

D. Definition of the Neighborhood

The Board finds that the neighborhood surrounding the Site is the geographic area within a 1 and 1/2 mile radius of the Site. It is generally bounded by the Miller's River to the west and north, Route 202 to the east and Sibley Road to the south. There has been testimony and photographic evidence indicating that the number of homes within the neighborhood has remained virtually unchanged since the 1950's; there are approximately twenty-five residences. Located within the neighborhood are also a number of comparable and compatible land uses which include the following:

- a. The Town landfill;
- b. The Town sewer treatment plant;
- c. Four existing active gravel pits;
- d. The Waterville Plaza devoted to commercial enterprises;
- e. Bellcraft Woodworking Company;
- f. New England Woodenware; and
- g. Jan's Ceramics.

The Board finds that the neighborhood has historically and continues to consist of mixed uses, including residences and industrial and commercial enterprises.

E. General Compatibility of the Proposed Operation with the Neighborhood

The residents who testified generally did not object to the operation of the gravel pit as it presently exists. Several long-time residents acknowledged that Mabardy has been a good neighbor. Mabardy concedes that the size of the trucks hauling gravel has increased over time. The Site is more intensively mined than it was in the 1950's and the crushing plant on the Site has been upgraded and expanded to correspond with present commercial standards. These changes constitute improvements and a more efficient means of pursuing the pre-existing nonconforming use. Berliner v. Feldman, 363 Mass. 767, 775 (1973).

The Board finds that the expansion of a gravel pit has not been substantially more detrimental to the neighborhood, but is compatible with similar uses on River Street.

- a. The hours of operation of the existing gravel pit are the same as the hours maintained in the 1950's.
- b. The number of employees at the Site has not changed.
- c. The amount of traffic generated by the gravel operation has increased, but as verified by the Town Safety Officer has posed no significant problem for residents.
- d. The size of the trucks hauling sand and gravel has increased but has posed no verified safety problems on River Street.

- e. Finally, Mabardy has not proposed to increase its existing gravel operation, but intends to maintain the level of operation which has existed for the past few years.

Conclusions

The Board concludes that the proponent has satisfied the standards set forth at G.L. c. 40A, §6, in that the extension of a pre-existing nonconforming use has not been and will not be substantially more detrimental than the existing nonconforming use to the neighborhood. This is particularly evident because the use proposed by Mabardy is consistent with the use of the Site over the past few years.

The majority of the Board accordingly voted to approve a special permit for the expansion of the Mabardy commercial gravel operation. This permit is granted with the following limiting terms and conditions:

1. The special permit shall be valid for ten years.
2. The facility shall be open Monday through Friday between the hours of 7:30 A.M. and 4:30 P.M. The facility will be closed on Saturdays, Sundays and holidays, except in accordance with approvals obtained from the Town of Winchendon.
3. ~~Blasting conducted at the Site shall occur only in accordance with the terms of a permit issued by the Fire Chief of the Town of Winchendon.~~
4. The operator shall be limited to no more than 60 vehicles hauling gravel from the Site per day. If a special permit is obtained for the operation of a demolition landfill,

the total number of vehicles hauling gravel and demolition material to or from the Site shall not exceed 50 vehicles per day.

5. All vehicles hauling to or from the Site shall use River Street as access to Route 202. Hale Street shall not be used by vehicles hauling from the Site.


6. A 2-1 slope shall be maintained on all excavation at the end of each day (this shall not, however, apply to any ledge areas).


7. A natural buffer zone of at least 100 feet in width shall be maintained along all property lines and a berm of trees, 100 feet back from property lines along River Street, shall be maintained.

8. No future gravel, sand or other materials shall be removed below the 855 foot line.

The vote to approve the Special Permit as herein stated and stipulated was four in favor (Richard Jameson, Kenneth Girouard, Doris Pineo and Norman Norcross) with one opposed (Charles Lemire).

You are hereby advised of a 20-day appeal period from the date this Decision is recorded with the Town Clerk.


Richard Jameson


Norman Norcross


Kenneth Girouard

Doris Pineo
Doris Pineo

Charles Lemire
Charles Lemire

Decending Vote

Date:

ATTEST: WQRC. Anthony J. Vigliotti, Register

TOWN CLERK

TELEPHONE 297-2766

WINCHENDON, MASS. 01475



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CERTIFICATE OF TOWN CLERK

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11398 258

Aug. 18, 1989
date

I CERTIFY that a decision of the Zoning Board of Appeals of the Town of Winchendon

concerning the appeal of Mahardy Sand + Gravel
dated Dec. 30, 1988

was filed in this office on July 21, 1989

I further CERTIFY that at least twenty days have passed since this decision was filed in this office, and that no appeal from this decision has been filed.

Lois A. Regan
Lois A. Regan
Town Clerk

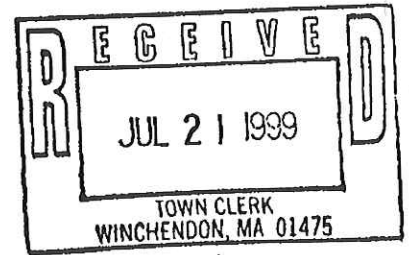
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Return:

Moehrke, Mackie + Shea, PC
283 Dartmouth St
Boston, MA 02116

BOARD OF APPEALS

WINCHENDON, MASSACHUSETTS



NOTICE OF DECISION

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Owner: MABARDY SAND & GRAVEL; ADMINISTRATIVE APPEAL

The Zoning Board overturned the decision of the Building Commissioner dated December 2, 1998 to Mabardy Sand & Gravel, located at River St., Winchendon, MA.

The Zoning Board voted to allow Mabardy to conduct an ABC recycling operation on site, upon the terms and conditions set by the Board:

A. Asphalt, brick, and concrete (ABC) recycling involves the importation, stockpiling, crushing, processing, reprocessing, and resale of used asphalt, brick, and concrete. The operator shall comply with the regulations contained at 310 CMR 16.05(3) as they relate to ABC materials in their entirety.

B. The ABC operation shall meet all standards for an exempt ABC recycling operation adopted by the Massachusetts department of Environmental Protection.

C. The hours of operation for the facility, including the ABC operation, shall be 7:30 AM to 4:30 PM, Monday through Friday. The facility will be closed on Saturdays, Sundays, and holidays, except in accordance with approval obtained from the Town of Winchendon. In the event of an emergency requiring immediate delivery of sand, such as broken water line, or snow or ice storm control, or highway disaster, the operator will notify the Winchendon police before entering the facility, and will make every effort to minimize disruption to the neighborhood.

D. The operator may excavate, but shall conduct no blasting activities of any kind, on the portion of the facility located on the easterly side of River Street. Any blasting conducted on that portion of the facility located on the westerly side of River Street shall occur only in accordance with the terms of a permit issued by the Fire Chief of the Town of Winchendon.

E. The operator shall make no more than 40 truck trips per day to the facility. The number of truck trips for the delivery of the ABC material shall not exceed 24 trucks per day. In the event of a local, regional, Commonwealth wide, or Federal emergency, the Board will allow the operator to service the emergent demand w/o penalty, and the number of truck trips made for purposes of such emergency shall not be counted toward the limits stated herein.

F. Trucks entering or leaving the facility shall not park on River or Hale Streets adjacent to the facility.

G. No commercial vehicles, other than those owned, leased, or operated by the operator, shall haul ABC material to the facility.

H. The location of the ABC operation shall remain as depicted on the attached sketch of the property. Specifically, the ABC area shall be limited to the 4 acres shaded on the sketch, and abutting the Army Corps of Engineers property. All activities related to the ABC operation including stockpiling of materials to be processed, and finished materials, shall be conducted w/in the specified 4 acre area. In addition, the operation shall maintain the berm which surrounds the ABC area in order to provide adequate noise control for the operation.

I. On or before January 1, 2000, the operator shall design and erect a sound barrier for the shaker screens on the main crusher, in order to provide additional noise control for the operation of the crusher. This date shall be extended if inclement weather prevent construction of the barrier, provided that the barrier shall be in place not later than May 1, 2000.

J. In the event that the present crushing equipment on the site is replaced, such replacement equipment shall be of like or greater sound reducing or energy efficient quality, and shall provide sound and noise control equal or greater than the present equipment.

K. In the event that the operator cease total operation of the facility for a period of 2 years, this special permit shall forever be deemed null and void.

The Zoning Board of Appeals hereby certifies that a copy of this decision and all plans referred to in the decision have been filed with the Town Clerk.

ZONING BOARD OF APPEALS

Wise Fox

Richard C. Hoyt

[Signature]

Eric Murphy

An appeal from the decision of the Zoning Board of Appeals may be made by any person aggrieved pursuant to MGL chapter 40a, section 17, as amended, within twenty (20) days after the date of filing of a notice of decision in the office of the Town Clerk.

Copy to be sent to appellant and owner, if different, and to be filed with all attachments with the Town Clerk and the Planning Board.

ATTEST: WORC. Anthony J. Vigliotti, Register

BOARD OF APPEALS

WINCHENDON, MASSACHUSETTS



DETAILED RECORD/DECISION

MABARDY SAND & GRAVEL: ADMINISTRATIVE APPEAL

The members of the Zoning Board of Appeals hereby certify that the following is a detailed record of all the Board's proceedings regarding the appeal of MABARDY SAND & GRAVEL, regarding the sand and gravel operation located on river Street.

The appeal to the Board is dated December 30, 1998. A true copy of the appeal is attached as exhibit 1, and is made part of this record.

A notice of public hearing on this appeal, a true copy of which is attached as exhibit 2, and is made part of this record was:

1. Published in the Winchendon Courier, a newspaper of general circulation in the Town of Winchendon on January 20, 1999 and January 27, 1999.
2. Posted in a conspicuous place in the Town Hall on January 15, 1999.
3. Mailed on January 15, 1999 to the appellant and "parties of interest" as outlined in Chapter 40A section 11. The notice was mailed to the names of the persons and at addresses provided by the Town Assessor, with the Assessor certifying such names and addresses.

By a vote of 4 to 0, on July 7, 1999 the members of the Zoning Board of Appeals overturned the Building Commissioner's decision dated December 2, 1998, to Mabardy Sand & Gravel, located at River Street, Winchendon, MA, advising Mabardy of certain violations; and stating that the gravel operation must cease on January 6, 1999.

On December 30, 1998, Mabardy Sand & Gravel appealed the decision and requested various alternative relief.

Duly advertised public hearings on the appeal were held on February, 17, 1999, March 3, 1999, site visit: April 10, 1999, April 28, 1999, June 2, 1999, subcommittee meeting: June 14, 1999, and July 7, 1999.

The Building Commissioner's decision set forth three reasons for his determination.

1. Mabardy's special permit to remove sand & gravel, granted on January 6, 1989, was to expire on January 6, 1999.

2. Mabardy was in violation of section 3.26d of the Winchendon Zoning Bylaws (Building Materials or Contractor's Yard, including Exterior Storage of Materials) through the processing and mining of materials on site in a residential zoning district. This activity is only allowed in a commercial zoning district.

3. Mabardy may be in violation of its special permit by removing material below the 855 foot elevation. The Building Commissioner requested Mabardy provide him with a recent survey of land.

Based upon the evidence presented at the hearings, the Board finds as follows: The special permit granted on January 6, 1989, went into litigation within the jurisdiction of the Trial Court on appeal, and was not dismissed until March 29, 1996. Mabardy argued that, because they were not notified by the courts that the case had been dismissed, they were not able to record the special permit at the Registry of Deeds. Mabardy produced the docket from the Land Court. The Board finds that the special permit issued on January 6, 1989, was appealed by abutters, but dismissed by the courts due to lack of action. The Zoning board of Appeals finds that Mabardy did have opportunity to appeal the special permit, but did not; therefore, it is a valid and enforceable permit. The Zoning Board voted that the permit became effective December 2, 1998.

The Board further finds that the asphalt, brick, and concrete (ABC) material is identical in use and processing as gravel. Mabardy requested the original special permit be amended to incorporate the ABC operation. The Board finds that the allowing this use does not increase the operation's size. The recycling of ABC materials uses the same type of crusher already existing on site. It is used in the construction of roads, as is gravel. The Zoning Board voted to allow Mabardy to conduct an ABC recycling operation on site, and to amend the special permit accordingly on the following terms and conditions.

A. Asphalt, brick, and concrete (ABC) recycling involves the importation, stockpiling, crushing, processing, reprocessing, and resale of used asphalt, brick, and concrete. The operator shall comply with the regulations contained at 310 CMR 16.05(3) as they relate to ABC materials in their entirety.

B. The ABC operation shall meet all standards for an exempt ABC recycling operation adopted by the Massachusetts Department of Environmental Protection.

C. The hours of operation for the facility, including the ABC operation, shall be 7:30 AM to 4:30 PM, Monday through Friday. The facility will be closed on Saturdays, Sundays, and holidays, except in accordance with approval obtained from the Town of Winchendon. In the event of an emergency requiring immediate delivery of sand, such as broken water line, snow or ice storm control, or highway disaster, the operator will notify the Winchendon police before entering the facility, and will make every effort to minimize disruption to the neighborhood.

D. The operator may excavate, but shall conduct no blasting activities of any kind, on the portion of the facility located on the easterly side of River Street. Any blasting conducted on this portion of the facility located on the westerly side of River Street shall occur only in accordance with the terms of a permit issued by the Fire Chief of the Town of Winchendon.

E. The operator shall make no more than 40 truck trips per day to the facility. The number of truck trips for the delivery of the ABC material shall not exceed 24 trucks per day. In the event of a local, regional, Commonwealth wide, or Federal emergency, the Board will allow the operator to service the emergent demand w/o penalty, and the number of truck trips made for purposes of such emergency shall not be counted toward the limits stated herein.

F. Trucks entering or leaving the facility shall not park on River or Hale Streets adjacent to the facility.

G. No commercial vehicles, other than those owned, leased, or operated by the operator, shall haul ABC material to the facility.

H. The location of the ABC operation shall remain as depicted on the attached sketch of the property. Specifically, the ABC area shall be limited to the 4 acres shaded on the sketch, and abutting the Army Corps of Engineers property. All activities related to the ABC operation including stockpiling of materials to be processed, and finished materials, shall be conducted w/in the specified 4 acre area. In addition, the operation shall maintain the berm which surrounds the ABC area in order to provide adequate noise control for the operation.

I. On or before January 1, 2000, the operator shall design and erect a sound barrier for the shaker screens on the main crusher, in order to provide additional noise control for the operation of the crusher. This date shall be extended if inclement weather prevents construction of the barrier, provided that the barrier shall be in place not later than May 1, 2000.

J. In the event that the present crushing equipment on the site is replaced, such replacement equipment shall be of like or greater sound reducing or energy efficient quality and shall provide sound and noise control equal or greater than the present equipment.

K. In the event that the operator cease total operation of the facility for a period of 2 years, this special permit shall forever be deemed null and void.

Finally, the Board finds that condition number eight on the original special permit should be amended to read some measurement over the water table rather than an elevation depth. It is more effective to measure compliance by having the water line as the fixed variable rather than an elevation. The Zoning Board voted to omit condition number 8 and replace it with: "No excavation may take place below 6 feet above the water line."

After the close of the hearing on July 7, 1999, the Zoning Board of Appeals overturned the decision of the Building Commissioner with the following members present and voting, and voting as follows with respect to the appeal:

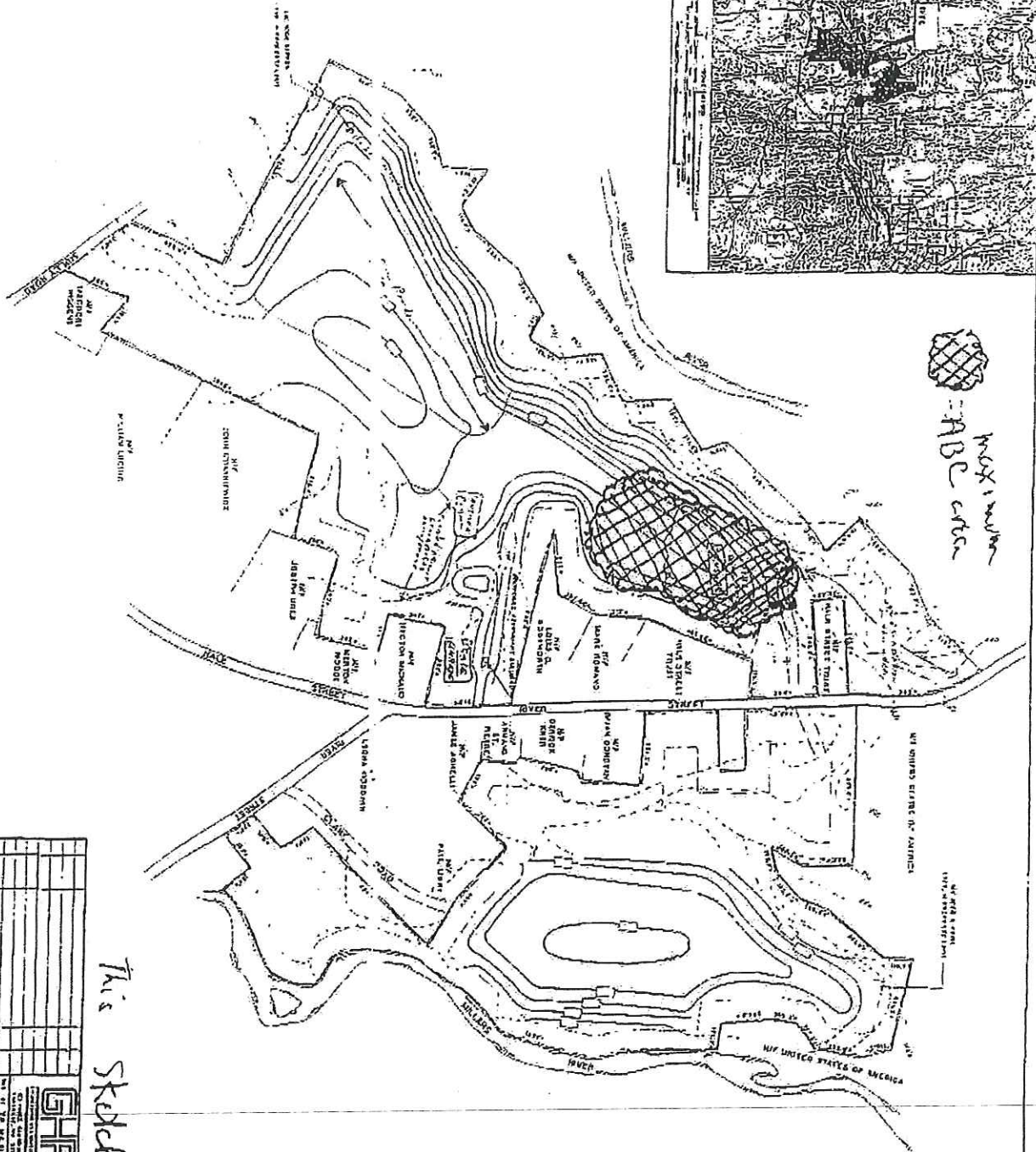
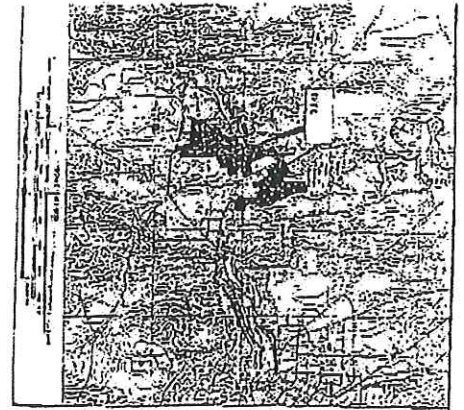
ALISA FOX voting to **overturn** Building Commissioner's decision.

RICHARD HOYT voting to **overturn** Building Commissioner's decision.

JEFFREY BETTERINI voting to **overturn** Building Commissioner's decision.

ERIN MURPHY voting to **overturn** Building Commissioner's decision.

The Board further accepted Mabardy's withdrawal of all requests for relief inconsistent with this decision and to allow Mabardy time to submit a survey as requested by the Building Commissioner.



max 1000
ABC area

This sketch from reduced plan:

GPR CONSULTING ENGINEERS 100 W. MAIN ST. WINDY BROOK, MA 01462 TEL: 978-343-6383 FAX: 978-343-6384	DATE: _____ SCALE: _____ PROJECT: WINDY BROOK CLIENT: G.L. BARABAY WASHED SAND AND GRAVEL, INC. CONCEPTUAL SITE PLAN

1:5000 ONLY
 CONSULTING ENGINEERS
 100 W. MAIN ST.
 WINDY BROOK, MA 01462
 TEL: 978-343-6383
 FAX: 978-343-6384

The Zoning Board of Appeals hereby certifies that a copy of this decision and all plans referred to in the decision have been filed with the Town Clerk.

ZONING BOARD OF APPEALS

Christy Fox

Richard C. Frost

[Signature]

Evin Murphy

An appeal from the decision of the Zoning Board of Appeals may be made by any person aggrieved pursuant to MGL chapter 40a, section 17, as amended, within twenty (20) days after the date of filing of a notice of decision in the office of the Town Clerk.

Copy to be sent to appellant and owner, if different, and to be filed with all attachments with the Town Clerk and the Planning Board.

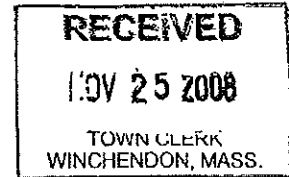
TOWN OF WINCHENDON

Zoning Board of Appeals



Telephone (978) 297-0085
Facsimile (978) 297-1616

109 Front Street
Winchendon, Massachusetts 01475-1758



NOTICE OF DECISION SPECIAL PERMIT

Date: November 18, 2008

Case No. 09-01

Notice is hereby given that the Zoning Board of Appeals granted a ten (10) year renewal of a Special Permit to Gail E. Magenau Hire, representing Charles Mabardy, 50 Mooney St., Cambridge, MA 02138 on property owned by Winchendon, LLC, River St., Winchendon, MA 01475 (Map 4, Parcels 59, 61, 108, 109, 115 & Map 4C4, Parcel 2) under Sections 6.2 and 13.6.3b of the Winchendon Zoning Bylaws to continue a pre-existing nonconforming sand and gravel operation, ABC recycling, & composting in an R80 zone.

The hearing on this Special Permit was held on October 15, 2008 and continued to November 5, 2008.

The Special Permit was issued with the following conditions, safeguards, and limitations:

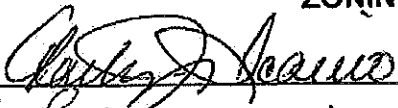
1. All of the conditions enumerated in the Special Permit issued on January 6, 1989, with the exception of condition 7, are incorporated by reference.
2. Condition 7 in the above referenced January 6, 1989 Special Permit is modified as follows:
A natural buffer zone of at least at least 100 feet in width shall be maintained along all property lines and the existing berm of trees along the River St. property line shall be maintained.
3. The conditions enumerated in the Special Permit filed on July 21, 1999, with respect to the ABC recycling operation are incorporated by reference.
4. The ZBA reserves the right to review the conditions of this Special Permit renewal during the term of its existence if it is clearly evident by either repeated violations or justifiable complaints that the conditions do not adequately protect both the applicant and neighboring residents. The Board retains the right to modify the conditions should this be warranted by the review.
5. The operator shall give five days written notice, including a rain date, by U.S. mail or electronic mail to abutters on Sibley Road and shall visit homes within 1000 feet one hour before blasting to alert residents.

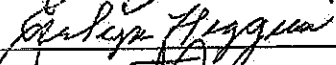
6. The operator will continue to pay for the street light on pole #69.
7. The operator will conduct the composting operation in a manner that will minimize and/or eliminate odor generation. Should odor still remain a serious problem for abutters, the operator will, in conjunction with the Winchendon BOH and Massachusetts DEP, find a more suitable location on the site for the composting operation.


A complete copy of the decision record is available at the Department of Planning and Development, 109 Front St., Winchendon, MA 01475.

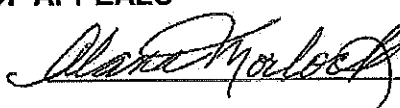
An appeal from the decision of the Zoning Board of Appeals may be made by any person aggrieved pursuant to M.G.L. chapter 40A, section 17, as amended, within twenty (20) days after the date of filing of a notice of decision in the office of the town clerk.

ZONING BOARD OF APPEALS









This decision shall be mailed forthwith to:
* petitioner 11/25/08 (date)
* parties in interest 11/25/08 (date)
* every person present at the hearing who requests a notice and states an address to which the notice is to be sent 11/25/08 (date)

ATTACHMENT C

COVID-19 ORDERS NO. 42 & NO. 69



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 RESUMING STATE PERMITTING DEADLINES AND
CONTINUING TO EXTEND THE VALIDITY OF CERTAIN STATE PERMITS**

COVID-19 Order No. 42

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”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 26, I issued COVID-19 Order No. 17, which, for permits issued by agencies within the Executive Office of Housing and Economic Development and the Executive Office of Energy and Environmental Affairs, tolled the expiration dates of such permits during the state of emergency, suspended constructive approvals of permits and hearing and decision deadlines, and extended appeal deadlines;

WHEREAS, such suspensions were required because, with the closure of non-essential businesses, many Commonwealth administrative offices were not open to the public and, as a result, were unable to timely process requests for licenses, permits, approvals, and certificates of registration;

WHEREAS, the current, sustained trend of improvement in public health data has allowed the resumption of state services and permitting, with the consequence that the suspension of deadlines for state permitting agencies that was authorized by COVID-19 Order No. 17 is no longer necessary;

WHEREAS, the disruptions caused by the public health emergency and the resulting economic dislocations continue to prevent people and businesses from acting within the

deadlines required by permits, licenses, and other approvals issued or granted by the Commonwealth and its agencies and complying with conditions thereof, such that continued relief is necessary; and

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 any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to the authority to modify of the terms and conditions of licenses, permits, or certificates of registration issued by the Commonwealth or any of its agencies or political subdivisions and authority over assemblages in order to protect the safety of persons;

NOW, THEREFORE, I hereby Order the following:

1. The Order Suspending State Permitting Deadlines and Extending the Validity of State Permits (COVID-19 Order No. 17) is hereby rescinded in its entirety.
2. The following requirements hereby replace and supersede the suspensions and deferrals set forth in COVID-19 Order No. 17:
 - (a) **Constructive Approvals:** Constructive approvals or denials that would have issued between March 10, 2020 and July 1, 2020, but for the suspension provided in section (a) of COVID-19 Order No. 17, shall issue on August 17, 2020 if the state permitting agency fails to act by August 17, 2020. Constructive approvals or denials that would issue after July 1, 2020 shall issue according to the regular, applicable statutory or regulatory deadline or on August 17, 2020, whichever date is later.
 - (b) **Hearings:** All hearings that a state permitting agency would have been required to commence between March 10, 2020 and July 1, 2020, but for the suspension provided in section (b) of COVID-19 Order No. 17, shall commence on or before August 10, 2020. All hearings required to commence after July 1, 2020 shall be commenced according to the regular, applicable statutory or regulatory deadline or by August 10, 2020, whichever date is later.
 - (c) **Decisions:** All decisions and requests that a state permitting agency would have been required to issue or make between March 10, 2020 and July 1, 2020, but for the suspension provided in section (c) of COVID-19 Order No. 17, shall be issued on or before August 10, 2020. This includes any requirement that a state permitting agency (i) issue a decision on an application, order, notice of intent, petition, or request for approval, (ii) issue a decision on an appeal of an application, order, notice of intent, petition, or request for approval, or (iii) request a superseding order or determination, within a specific period of time. All decisions and requests that a state permitting agency is required to issue or make by a date certain after July 1,

2020 shall be issued or made by the regular, applicable statutory or regulatory deadline or August 10, 2020, whichever date is later.

(d) **Appeal Rights:** Any person aggrieved by a decision or final decision of a state permitting agency on an approval or denial thereof whose right to appeal such decision would have expired or will expire between March 10, 2020 and July 1, 2020, but for the tolling of such rights provided in section (d) of COVID-19 Order No. 17, shall have until and including August 10, 2020 to appeal. Any person whose right to appeal a decision or final decision of a state permitting agency on an approval or denial thereof expires after July 1, 2020 shall make such appeal by the regular, applicable statutory or regulatory deadline or by August 10, 2020, whichever date is later.

3. **Permit Tolling:** An approval issued by a state permitting agency valid as of March 10, 2020 and any deadline to record said approval to establish its validity shall not lapse or otherwise expire during the state of emergency and the expiration date of the approval and the deadline to record said approval shall toll during the state of emergency. The new date for the expiration of an approval or the deadline to record said approval is calculated as follows: determine how many days remained as of March 10, 2020 until the approval or the deadline to record would have expired, and that same number of days will remain as of the date that the state of emergency is terminated. To the extent that any such approval contains or is subject to other deadlines or conditions, the state permitting agency may extend such deadlines or waive such conditions if an approval holder is not able to abide by the deadlines or conditions due to the state of emergency. This section shall not apply to a holder of an approval who was in violation of the terms and conditions of the approval as of March 10, 2020.

4. **Definitions**

For the purposes of this Order, the following words shall have the following meanings:

“Approval”, any permit, including an environmental permit, certificate, license, certification, determination, exemption, variance, waiver, state building permit, or other determination of rights issued by a state permitting agency, including any order but excluding any enforcement order, concerning the use, development, or rehabilitation of real property or improvements located thereon, the allocation or use of water and other natural resources, or the discharge, emission, abatement, or management of waste or pollutants, including but not limited to approvals issued pursuant to chapter 21, section 18 of chapter 21A, chapter 21D, section 3B of chapter 21E, section 61 to 62I, inclusive, of chapter 30, section 20 to 23, inclusive, of chapter 40B, chapter 91, chapter 92A½, chapter 112, chapter 131, chapter 131A, chapter 132, chapter

or not take an action deemed by the official to be necessary to protect health, safety, or the environment.

“State permitting agency”, any agency, board, bureau, department, office, committee, division, or official of the Commonwealth, which issues approvals and is within or reports to the Executive Office of Energy and Environmental Affairs or the Executive Office of Housing and Economic Development.

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 5:35 PM this 1st day
of July, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



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 ANNOUNCING THE TERMINATION OF THE MARCH 10, 2020
STATE OF EMERGENCY AND RESCINDING COVID-19 EXECUTIVE ORDERS
ISSUED PURSUANT TO THE MASSACHUSETTS CIVIL DEFENSE ACT**

COVID-19 Order No. 69

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 (“Civil Defense Act”) and Section 2A of Chapter 17 of the General Laws, declared that a state of emergency had arisen within the Commonwealth of Massachusetts due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak constituted a nationwide emergency pursuant to Section 501(b) of the Stafford Act and Sections 201 and 301 of the National Emergencies Act;

WHEREAS, sections 7, 8, and 8A of the Civil Defense Act authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, control over educational facilities supported in whole or in part by public funds, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

WHEREAS, in reliance on these emergency powers, beginning on March 12, 2020, I issued a series of Orders (“COVID-19 Orders”) that temporarily closed certain businesses and activities and otherwise mandated special restrictions, allowances, and safety measures, all in order to limit opportunities for spreading the COVID-19 virus within the Commonwealth, to reduce the

pressure placed on the Commonwealth's health care system, and to protect the health and safety of all residents of the Commonwealth;

WHEREAS, in response to sustained improvements in the public health data beginning in February 2021 and attributable most directly to the development and effective distribution to the public of safe, highly effective, and free COVID-19 vaccines, I have successively rescinded or adjusted many of the Orders that imposed special measures to address the risks of COVID-19, and the Commonwealth has steadily advanced to the final stages of its phased Re-Opening Plan;

WHEREAS, as of May 27, 2021, over 3.5 million residents of the Commonwealth have been fully vaccinated against the COVID-19 virus, and over 4.3 million have received at least a first dose, and over 78 percent of Massachusetts adults overall and over 89 percent of Massachusetts residents 75 years and older have received at least a first dose;

WHEREAS, the remaining threats to the public health presented by the COVID-19 virus will shortly no longer require the exercise of the extraordinary powers that the Civil Defense Act grants to the Governor in a time of emergency to take executive action, outside the normal processes of government and across the established geographic and political divisions of authority, in order to coordinate State and Local relief efforts and to act without delay as necessary to protect the public health and welfare; and

WHEREAS, even acknowledging the declining risks posed by COVID-19, a brief continuation of certain COVID-19 Orders for some interim period will be necessary to accommodate an orderly transition from special State-wide measures implemented over the past 15 months by executive order to more permanent measures instituted through the regular means of government;

NOW, THEREFORE, I hereby Order the following:

1. Rescinding of COVID-19 Orders and Related COVID-19 Safety Rules

Effective at 12:01 am on May 29, 2021, all COVID-19 Orders that have issued above my signature and pursuant to the Civil Defense Act since my March 10, 2020 declaration of a state of emergency are rescinded in full unless specifically identified in section 2 of this Order as continued until June 15, 2021.

Effective at 12:01 am on May 29, 2021, all rules, restrictions, and limitations issued by the Department of Labor Standards, Department of Public Health, the Executive Office of Energy and Environmental Affairs, or any other agency or commission authorized by prior COVID-19 Order to issue rules and policies implementing the provisions of the above rescinded Orders, including COVID-19 workplace safety rules, shall likewise be rescinded and have no further effect.

Public Health Orders that have been issued by the Commissioner of Public Health acting on her authority pursuant to section 2A of chapter 17 of the General Laws are not withdrawn or rescinded by this Order and shall remain in effect until rescinded by the Commissioner or until their

expiration upon the termination of the state of emergency provided for in section 3 below unless such orders are continued by the Commissioner acting under separate authorization.

2. Continuation of Certain COVID-19 Orders

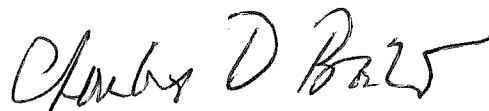
The COVID-19 Orders listed below shall remain in effect until the state of emergency is terminated on June 15, 2021 in order to facilitate an orderly transition to measures applicable following the ending of the state of emergency.

- a. COVID-19 Order No. 1: Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 2
- b. COVID-19 Order No. 24: Order Authorizing Nursing Practice by Graduates and Senior Students of Nursing Education Programs
- c. COVID-19 Order No. 26: Order Authorizing the Creation and Operation of Emergency Residential Programs and Emergency Placement Agencies for Children
- d. COVID-19 Order No 36: Order Authorizing Re-Opening Preparations for Child Care Programs
- e. COVID-19 Order No. 42: Order Resuming State Permitting Deadlines and Continuing to Extend the Validity of Certain State Permits
- f. COVID-19 Order No. 49: Order Authorizing Certain Program Adjustments to Support Families with Students Engaged in Remote Learning
- g. Section 1 of COVID-19 Order No. 50: Order Making Certain Phase III Adjustments, which provided an option for municipal authorities to grant or extend special municipal permits for expanded outside dining and alcohol service to a date 60 days past the end of the state of emergency
- h. COVID Order No. 61: Revised Order Expanding Access to Inpatient Services

3. Termination of the March 10, 2020 State of Emergency

Effective at 12:01 am on June 15, 2021, the declaration that I issued on March 10, 2020 pursuant to the Civil Defense Act and Section 2A of Chapter 17 of the General Laws is rescinded and the state of emergency initiated by that declaration is terminated with respect to both statutes.

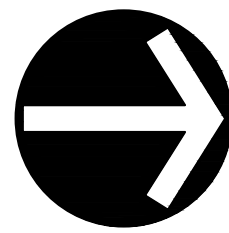
Given in Boston at 11:15 AM/PM this 28th day of May, two thousand and twenty-one



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

ATTACHMENT D

SITE PLAN



NORTH

N/F MIZHIR, JOSEPH & TR OF THREE, M REALTY TRUST
41 SIBLEY ROAD
WINCHENDON, MA

SUBJECT PROPERTIES

PARCEL MAP-LOT	ADDRESS	TOTAL AREA (ACRES)
4-0-61	RIVER ST	8.65
4-0-108	REAR HALE ST	37
4-0-109	SIBLEY RD	31.26
4C4-0-2	RIVER ST	9.91

TOTAL SUBJECT PROPERTY AREA = 86.82 ACRES

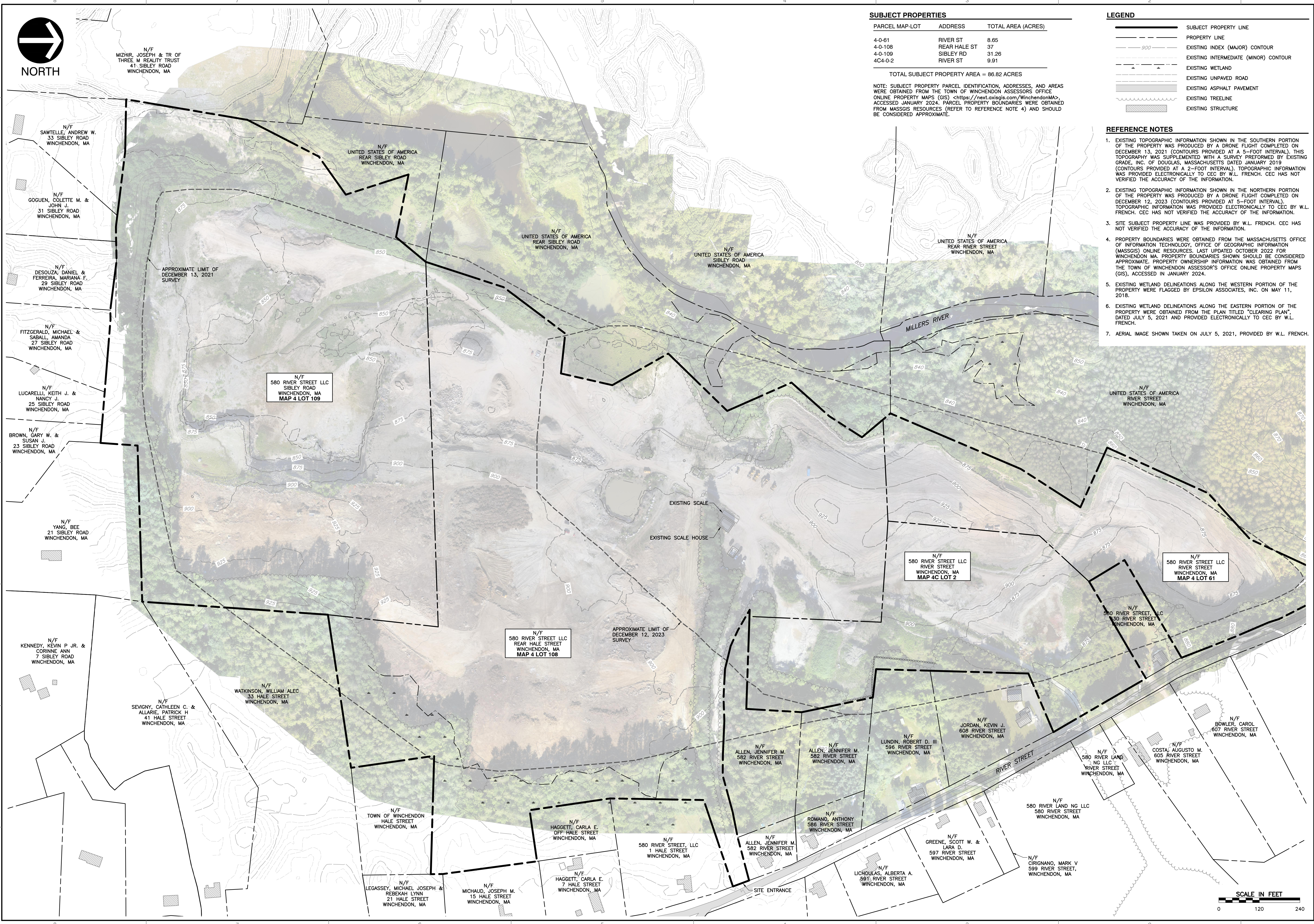
NOTE: SUBJECT PROPERTY PARCEL IDENTIFICATION, ADDRESSES, AND AREAS WERE OBTAINED FROM THE TOWN OF WINCHENDON ASSESSORS OFFICE ONLINE PROPERTY MAPS (GIS) <https://mvk.oxidia.com/WinchendonMA> ACCESSED JANUARY 2024. PARCEL PROPERTY BOUNDARIES WERE OBTAINED FROM MASSGIS RESOURCES (REFER TO REFERENCE NOTE 4) AND SHOULD BE CONSIDERED APPROXIMATE.

LEGEND

- SUBJECT PROPERTY LINE
- PROPERTY LINE
- EXISTING INDEX (MAJOR) CONTOUR
- EXISTING INTERMEDIATE (MINOR) CONTOUR
- EXISTING WETLAND
- EXISTING UNPAVED ROAD
- EXISTING ASPHALT PAVEMENT
- EXISTING TREELINE
- EXISTING STRUCTURE

REFERENCE NOTES

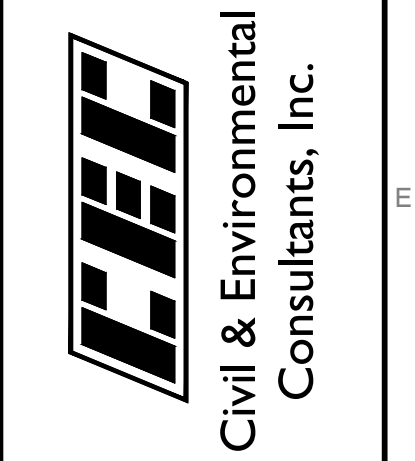
- EXISTING TOPOGRAPHIC INFORMATION SHOWN IN THE SOUTHERN PORTION OF THE PROPERTY WAS PRODUCED BY A DRONE FLIGHT COMPLETED ON DECEMBER 13, 2021 (CONTOURS PROVIDED AT A 5-FOOT INTERVAL). THIS TOPOGRAPHY WAS SUPPLEMENTED WITH A SURVEY PERFORMED BY EXISTING GRADE, INC. OF DOUGLAS, MASSACHUSETTS DATED JANUARY 2019 (CONTOURS PROVIDED AT A 2-FOOT INTERVAL). TOPOGRAPHIC INFORMATION WAS PROVIDED ELECTRONICALLY TO CEC BY W.L. FRENCH. CEC HAS NOT VERIFIED THE ACCURACY OF THE INFORMATION.
- EXISTING TOPOGRAPHIC INFORMATION SHOWN IN THE NORTHERN PORTION OF THE PROPERTY WAS PRODUCED BY A DRONE FLIGHT COMPLETED ON DECEMBER 12, 2023 (CONTOURS PROVIDED AT 5-FOOT INTERVAL). TOPOGRAPHIC INFORMATION WAS PROVIDED ELECTRONICALLY TO CEC BY W.L. FRENCH. CEC HAS NOT VERIFIED THE ACCURACY OF THE INFORMATION.
- SITE SUBJECT PROPERTY LINE WAS PROVIDED BY W.L. FRENCH. CEC HAS NOT VERIFIED THE ACCURACY OF THE INFORMATION.
- PROPERTY BOUNDARIES WERE OBTAINED FROM THE MASSACHUSETTS OFFICE OF INFORMATION TECHNOLOGY, OFFICE OF GEOGRAPHIC INFORMATION (MASSGIS) ONLINE RESOURCES, LAST UPDATED OCTOBER 2022 FOR WINCHENDON MA. PROPERTY BOUNDARIES SHOWN SHOULD BE CONSIDERED APPROXIMATE. PROPERTY OWNERSHIP INFORMATION WAS OBTAINED FROM THE TOWN OF WINCHENDON ASSESSOR'S OFFICE ONLINE PROPERTY MAPS (GIS), ACCESSED IN JANUARY 2024.
- EXISTING WETLAND DELINEATIONS ALONG THE WESTERN PORTION OF THE PROPERTY WERE FLAGGED BY EPSILON ASSOCIATES, INC. ON MAY 11, 2018.
- EXISTING WETLAND DELINEATIONS ALONG THE EASTERN PORTION OF THE PROPERTY WERE OBTAINED FROM THE PLAN TITLED "CLEARING PLAN", DATED JULY 5, 2021 AND PROVIDED ELECTRONICALLY TO CEC BY W.L. FRENCH.
- AERIAL IMAGE SHOWN TAKEN ON JULY 5, 2021, PROVIDED BY W.L. FRENCH.



REVISION RECORD

NO.	DATE	DESCRIPTION
1	1/18/2024	REVISED BASED ON COMMENTS RECEIVED BY THE TOWN OF WINCHENDON ON JANUARY 18, 2024.

31 Bellows Road
Raynham, MA 02767
Ph: 774.501.2176
www.cecinc.com



SPECIAL EARTH REMOVAL PERMIT
580 RIVER STREET, LLC.
RIVER ROAD
WINCHENDON, MA

DATE:		DRAWN BY:		RHI	
JANUARY 2024		[Signature]		RHI	
DWS SCALE:		CHECKED BY:		KFH	
1" = 120'		[Signature]		KFH	
PROJECT NO.:		APPROVED BY:		AJK	
306-000		[Signature]		AJK	

DRAWING NO. **1**
SHEET 1 OF 1

A:\100-0001-0001-0002 (Long) (S) - Special Permit - Assessment\100000-0000-Special Permit Site Plan.dwg (L) (V) (P) - EP - 1/18/2024 2:10 PM

