

TOWN OF WINCHENDON



UPDATED 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, May 14th, 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: 883 589 019

Password: 008281

Join Zoom Meeting via computer or smartphone with video and audio options
<https://zoom.us/j/883589019?pwd=K3ZEai83cGtIVnZ0VHo4U0txVXRRUT09>

To join via smartphone using one tap mobile
+19294362866,,883589019# US (New York)

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 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. 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. 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.

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Agenda

6:00 p.m. **Open Meeting**

Suggested statement to be made by the Chair of a public body at the start of any public meeting conducted "virtually":

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 limitations on the number of people that may gather in one place, this meeting of the Town of Winchendon Conservation Commission is being conducted via remote participation. 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 as provided for in the Order. A reminder that persons who would like to observe or participate in this meeting while in progress may do so using the zoom instructions above.

Suggested statement to be made by the Chair of the public body at the start of any public hearing conducted "virtually":

Note that for public hearings, the applicant and the public must be provided a means to participate in the virtual meeting in real time. Thus, the statement made at the start of public hearings would be slightly different than for public meetings: 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 limitations on the number of people that may gather in one place, this public hearing of the Town of Winchendon Conservation Commission is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can observe and participate in this meeting while in progress using the zoom information provided above. 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, by requesting to speak during the zoom based public hearing or using the chat function in zoom during the public hearing.

6:10 p.m. **Notice of Intent Hearing Continued**

- Applicant: Karen & Travis Drudi
- Project Address: 75 First Street; Assessor's Map 2, Parcel 14
- Representative: John Deline – Deline Engineering
- Description: Demolition and Construction of single family residence and stone wall.

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6:15 p.m. Request for Determination of Applicability (RDA) Hearing

- Applicant: Jolly Green - Higgins
- Project Address: 60 Franklin Street; Assessor's Map 5A-2, Parcel 38
- Representative: McCarty Engineering
- Description: Construction of fence to site for marijuana cultivation facility

6:30 p.m. Request for Determination of Applicability (RDA) Hearing

- Applicant: Chad LeBlanc
- Project Address: 386 Beachview; Assessor's Map 15, Parcel 17
- Description: Construction of new retaining walls and gravel/paver area and related grading within the wetland buffer.

6:40 p.m. Request for Determination of Applicability (RDA) Hearing

- Applicant: April Mills
- Project Address: 376 Beachview; Assessor's Map 15, Parcel 18
- Description: Removal of 6 unhealthy trees less than 12"Ø within wetland buffer.

6:50 p.m. Request for Determination of Applicability (RDA) Hearing

- Applicant: Deborah Grise
- Project Address: 56 West Shore Drive; Assessor's Map 6, Parcel 25
- Representative: Paul Grasewicz of Graz Engineering, LLC.
- Description: Demolition & Construction of new septic system & related grading.

- Agent request for Commission Approval of Issued Enforcement Order to Piu Tien of 94 Lincoln Ave for removal of large oaks near brook without application for permission(s).
- Agent request for Commission Approval of Issued Enforcement Order to Melissa Hagermeyer - ZBH Realty Trust regarding 386 High St. for alterations within a wetland and buffer without permission(s).
- Discussion of storage in buffer at 162 Main Street owned by Phillip Favart.
- Discussion of remedy to violations in buffer at 16 Monomonac owned by Phillip White.

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- Discussion of general site approach and expectations on residential parcel adjacent to 324 West St. with Marie Sorensen of Sorensen Partners.
- Certificate of Compliance Request for old (2005) work – Kenneth Flanagan – 19 Brooks Rd
- Certificate of Compliance Request for old (2008) work – Justin & Heather LaFond – 558 River St
Both of these are requested to remove old Orders of Conditions that are preventing sale of the residences. Both of these Orders were issued to the previous owner for projects completed prior to transfer to the current owners.
- Discussion of tree removal processes and many recent citizen complaints. A new Environmental Concern Form has been created and posted to help coordinate these complaints.
- Discussion around procurement of Commission Member signatures and COVID-19 alternative.
- Notice of Pan-Am Herbicide Application Intent
- Executive Session pursuant to G.L. c. 30A, Section 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body. Litigation involving Mill Farm Initiative's appeal of the Conservation Commission's denial of an Order of Conditions under the Winchendon Wetland Protection Bylaw, and the Chair so declares that having a discussion in open session would have a detrimental effect on the Town's litigating position.
 - Recommended motion by Chair -- "I move to enter Executive Session pursuant to the provisions of Section 21(a)(3) of the Open Meeting Law to discuss strategy with respect to the litigation entitled (Brandywine Farms, Inc., et al. v. Town of Winchendon Conservation Commission, et al., Worcester Superior Court Docket No. 1985CV00933) involving the Mill Farm Initiative's appeal of the Commission's denial of an Order of Conditions under the Winchendon Wetland Protection Bylaw for a dam decommissioning project on the property at 155 Mill Circle Road. I declare that discussion in Open Session may have a detrimental effect on the Conservation Commission's litigating position. The meeting will not to re-convene in Open Session."

Adjourn

(Please publish in The Gardner News no later than February 27th)

Legal Notice
Winchendon Conservation Commission

Pursuant to the provisions of M.G.L. Chapter 131, Section 40, and the Town of Winchendon Wetlands Protection Bylaw, the Winchendon Conservation Commission will hold a public hearing on Thursday, March 5, 2020 at 6:15 pm to consider the Notice of Intent filed by property owners Karen & Travis Drudi for proposed work within the 100-foot Buffer Zone to Bordering Vegetated Wetlands at 75 First Street; Assessor's Map 2, Lot 14. The project entails demolition of the existing single family home and construction of a new single family home, in conjunction with repair and reconstruction of a stone wall. The hearing will be held in the 2nd Floor Auditorium of the Winchendon Town Hall, 109 Front Street.

The Notice of Intent is available for public review at the Land Use Office, Room 10 (first floor) of the Winchendon Town Hall.

Initial Hearing Continued to April 9, 2020 then to May 14, 2020 -

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the Winchendon Conservation Commission is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can listen to or watch this meeting while in progress by joining the Zoom meeting. 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. A desire to comment can be made via the chat feature of the Zoom meeting. There will also be an opportunity to indicate that desire verbally



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Winchendon

City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

75 First Street

a. Street Address

Winchendon

b. City/Town

01475

c. Zip Code

Latitude and Longitude:

42.7117099

d. Latitude

-72.0033655

e. Longitude

Map 2

f. Assessors Map/Plat Number

Parcel 14

g. Parcel /Lot Number

2. Applicant:

Travis and Karen

a. First Name

Drudi

b. Last Name

Homeowners

c. Organization

75 First Street

d. Street Address

Winchendon

e. City/Town

MA

f. State

01475

g. Zip Code

978-297-0477

h. Phone Number

none

i. Fax Number

druidesign@gmail.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

John

a. First Name

Deline

b. Last Name

Deline Engineering

c. Company

146 Winchendon Road

d. Street Address

Royalston

e. City/Town

MA

f. State

01368

g. Zip Code

978-249-6214

h. Phone Number

978-249-6214

i. Fax Number

jdeline@verizon.net

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$220.00

a. Total Fee Paid

\$97.50

b. State Fee Paid

\$122.50

c. City/Town Fee Paid



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Winchendon

City/Town

A. General Information (continued)

6. General Project Description:

The proposed project involves the demolition of the existing single-family dwelling and construction of a new, single-family dwelling in the same location. The project will also include the installation of a new well (driven well) and the reconstruction of a retaining wall along the edge of the lake.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Worcester

a. County

60451

c. Book

b. Certificate # (if registered land)

145

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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Winchendon _____

City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	50 1. linear feet	50 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project:

square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet

b. square feet within 100 ft.

c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?

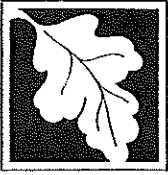
☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996?

☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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Bureau of Resource Protection - Wetlands

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WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Winchendon

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your
document
transaction
number
(provided on your
receipt page)
with all
supplementary
information you
submit to the
Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings	b. number of replacement stream crossings



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Winchendon

City/Town

C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

2017

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

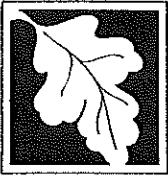
2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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

MassDEP File Number

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Winchendon

City/Town

C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
 2. ☐ Separate MESA review ongoing.

a. NHESP Tracking #	b. Date submitted to NHESP
---------------------	----------------------------
 3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. ☐ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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Bureau of Resource Protection - Wetlands

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WPA Form 3 – Notice of Intent

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

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Winchendon

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. ☐ A portion of the site constitutes redevelopment
 3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☒ No. Check why the project is exempt:
1. ☒ Single-family house
 2. ☐ Emergency road repair
 3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Winchendon

City/Town

D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan for Demolition and Reconstruction of the Existing Two Bedroom Dwelling at 75 First Street, Winchendon, MA

John M. Deline, Jr./Deline Engineering

John M. Deline, Jr.

b. Prepared By

c. Signed and Stamped by

2/11/20

1 inch = 20 feet

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

1040 - Deline Engineering

2/19/20

2. Municipal Check Number

3. Check date

1041 - Deline Engineering

2/19/20

4. State Check Number

5. Check date

Deline Engineering

Deline Engineering

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Winchendon

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

John M. Delune Jr. for Travis Drueck
1. Signature of Applicant

2/19/20
2. Date

John M. Delune Jr. Delune Engineering
3. Signature of Property Owner (if different)
5. Signature of Representative (if any)

2/19/20
4. Date
6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

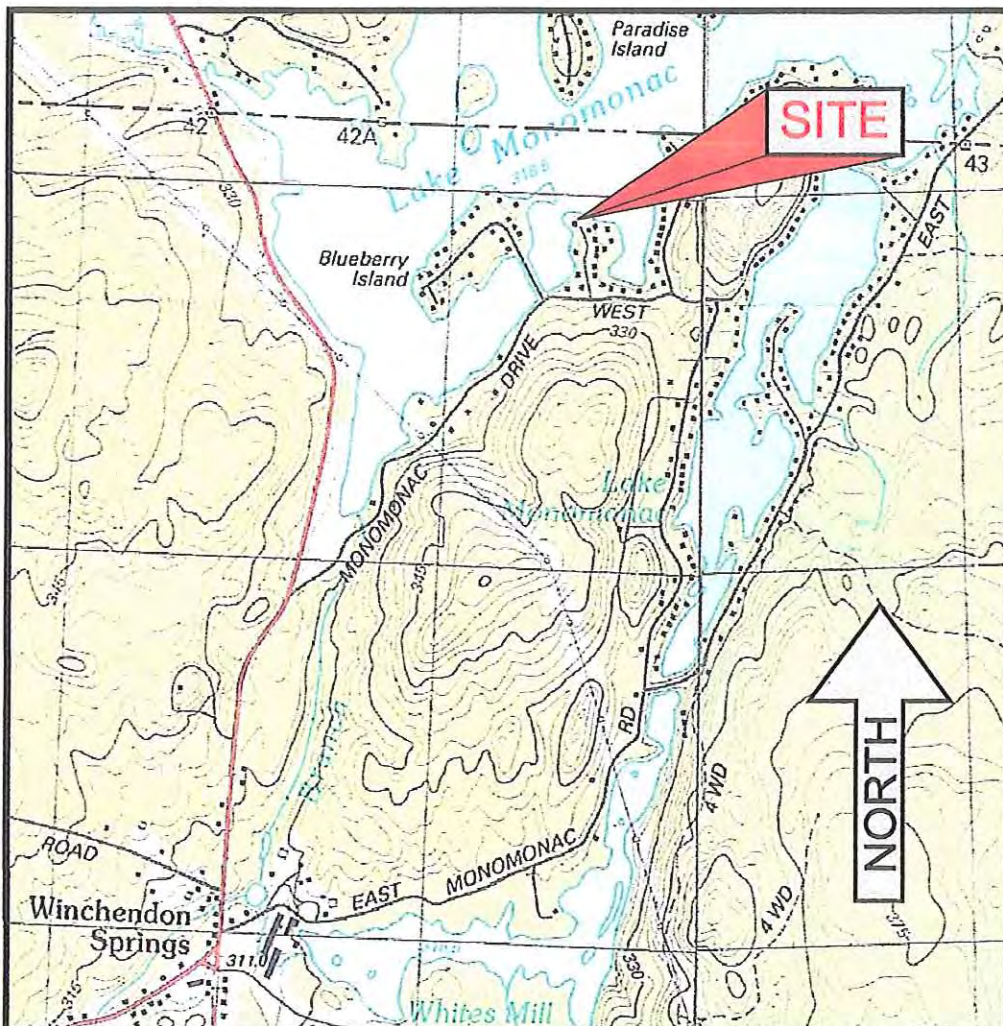
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



SITE LOCUS

**75 FIRST STREET
WINCHENDON, MA**

REFERENCE: WINCHENDON, MA - N.H. QUADRANGLE - 1988
U.S. DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGIC SURVEY MAP



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

75 First Street

a. Street Address

Winchendon

b. City/Town

c. Check number

d. Fee amount

2. Applicant Mailing Address:

Travis and Karen

a. First Name

Drudi

b. Last Name

Homeowners

c. Organization

75 First Street

d. Mailing Address

Winchendon

e. City/Town

MA

f. State

01475

g. Zip Code

978-297-0477

h. Phone Number

none

i. Fax Number

druidesign@gmail.com

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Demolish and construct new house	one	\$110.00	\$110.00
Reconstruct retaining wall	one	\$110.00	\$110.00
Step 5/Total Project Fee:			\$220.00

Step 6/Fee Payments:

Total Project Fee:	\$220.00
	a. Total Fee from Step 5
State share of filing Fee:	\$97.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	\$122.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

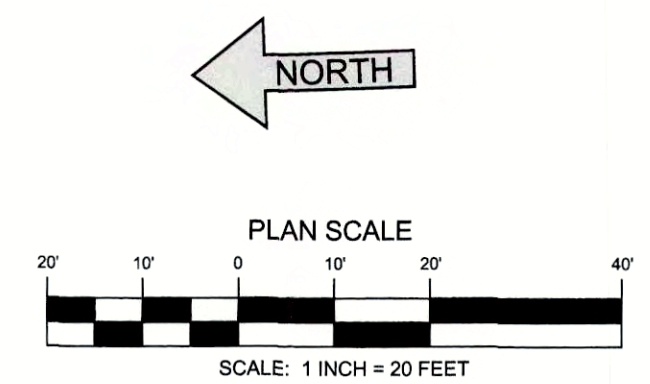
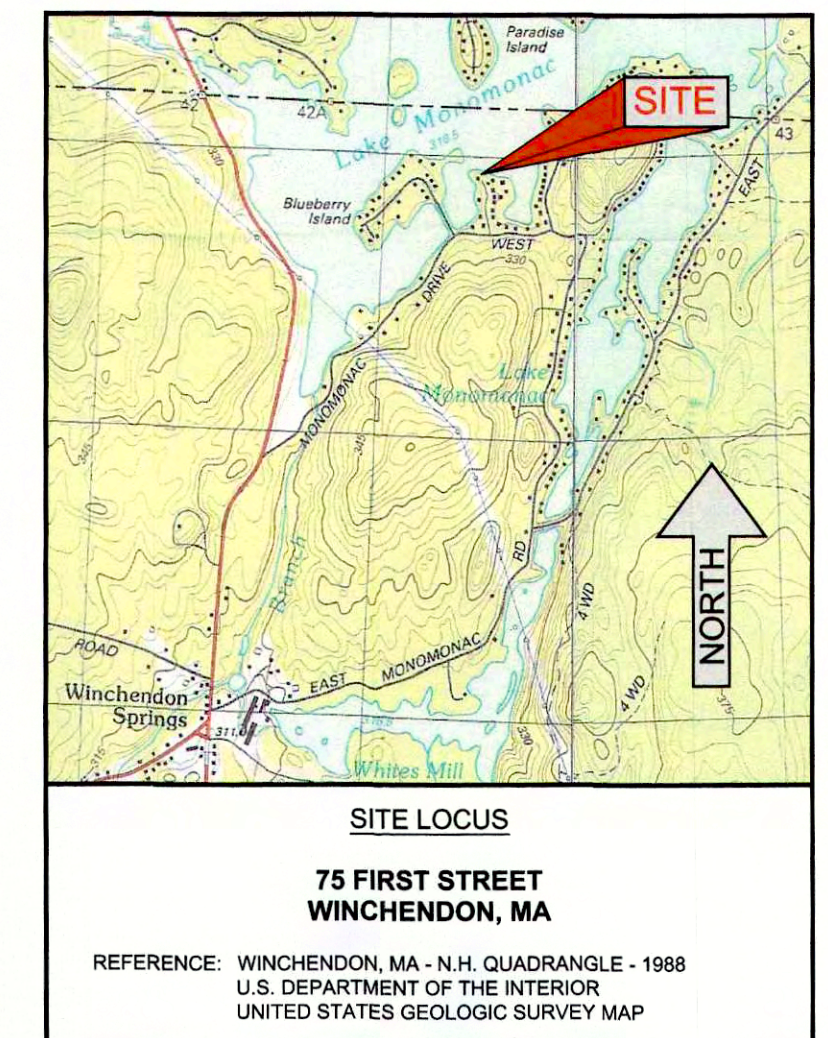
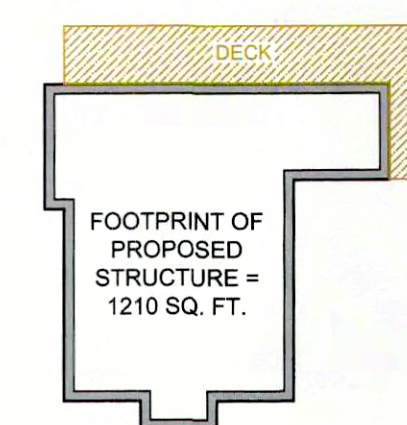
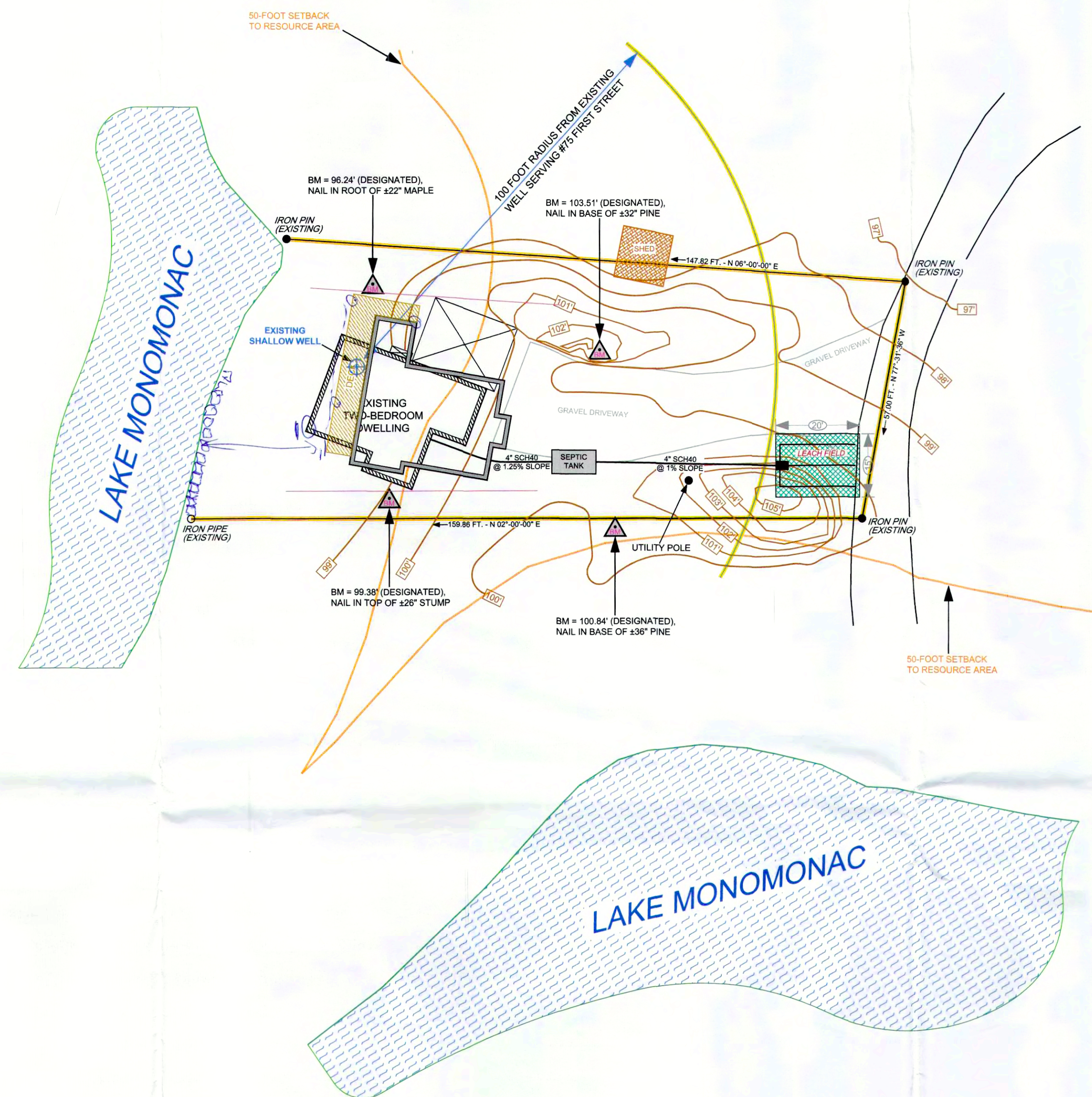
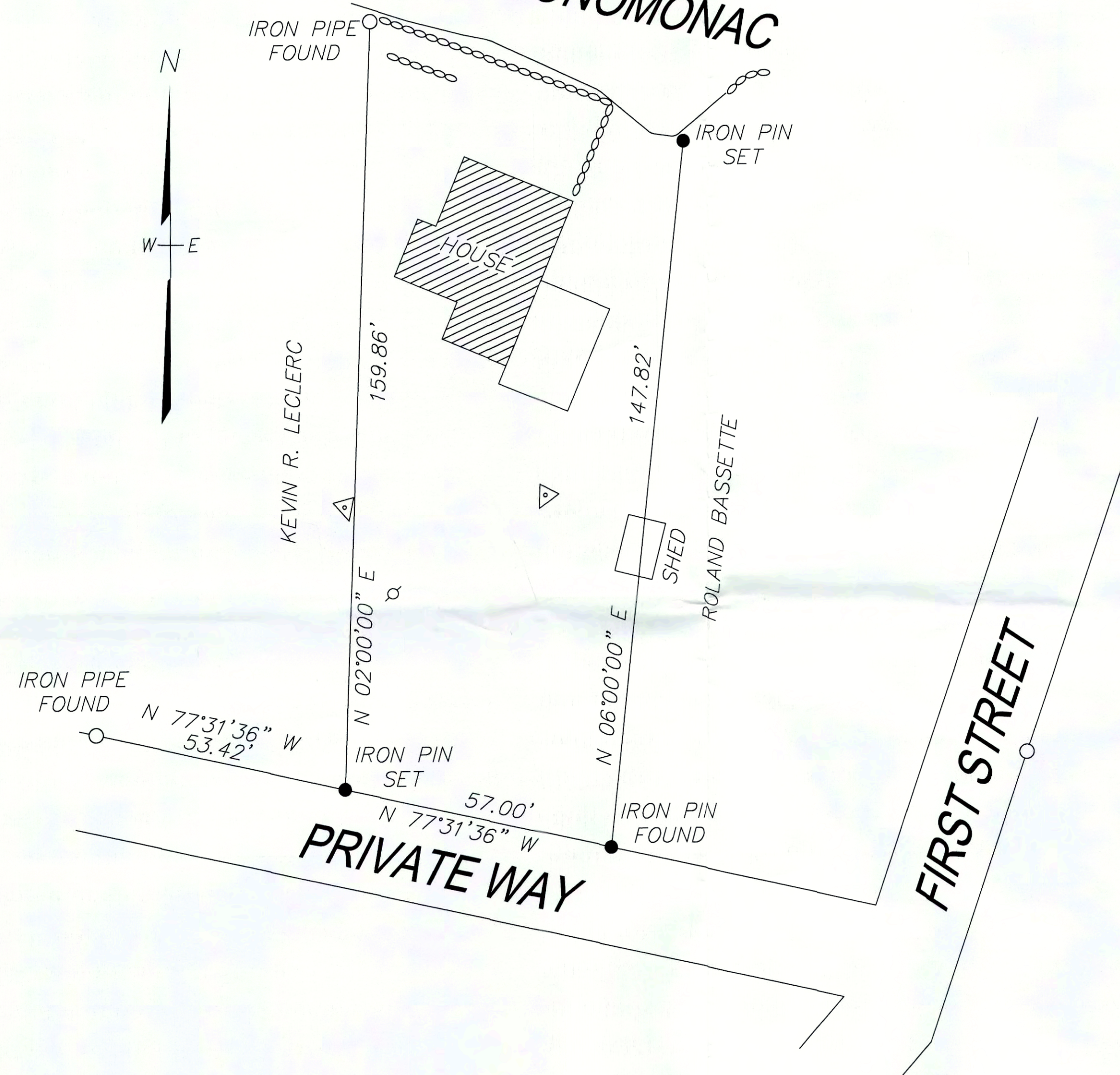
Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) To the Conservation Commission: Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

G-596

LAKE MONOMONAC



LOT LINE DISTANCES AND BEARINGS WERE COPIED FROM THE PLAN TITLED "PLOT PLAN AT 75 FIRST STREET PREPARED FOR TRAVIS E. DRUDI, WINCHENDON, MA", DATED JUNE 1, 2017. SAID PLAN WAS PREPARED BY EDMOND J. BOUCHER, PLS (MA PLS #34300), 4 JOLLY ROAD, ROYALSTON, MA 01368. MR. BOUCHER ALSO EITHER LOCATED OR SET EACH OF THE PROPERTY CORNERS AT THE LOT.


THE PREPARER OF THIS PLAN (JOHN DELINE, L.B.A./
DELINE ENGINEERING) IS NOT A LICENSED OR
REGISTERED LAND SURVEYOR AND, THEREFORE, THE
BOUNDARY LOCATIONS SHOWN ON THIS PLAN ARE NOT
INTENDED TO REPRESENT THE RESULTS OF A LEGAL
LAND SURVEY. THE BOUNDARY LOCATIONS SHOWN ARE
ONLY A SUMMARY OF EXISTING INFORMATION ON (SURVEY
PLANS, DEED DESCRIPTIONS, ETC.) ON THE BOUNDS OF
THE PROPERTY RELATIVE TO THE EXISTING
MONUMENTS/MARKERS OBSERVED AT THE SUBJECT
PROPERTY. THE BOUNDARY LOCATIONS SHOWN ARE
INTENDED SOLELY FOR DEVELOPING REFERENCE POINTS
FOR A SMALL LOT ADJACENT TO THE SEWAGE
DISPOSAL SYSTEM. NO WARRANTY OF ACCURACY OF
PROPERTY BOUNDARY LOCATIONS IS EXPRESSED OR
IMPLIED BY THIS PLAN.

**SITE PLAN FOR DEMOLITION AND
RECONSTRUCTION OF THE EXISTING
TWO BEDROOM DWELLING AT
75 FIRST STREET
WINCHENDON, MA
ASSESSORS MAP PARCEL
APPLICANT/OWNER: TRAVIS & KAREN DRUDI**

**DELINE
ENGINEERING**

146 WINCHENDON ROAD
ROYALSTON, MA 01368 (978) 249 - 6214

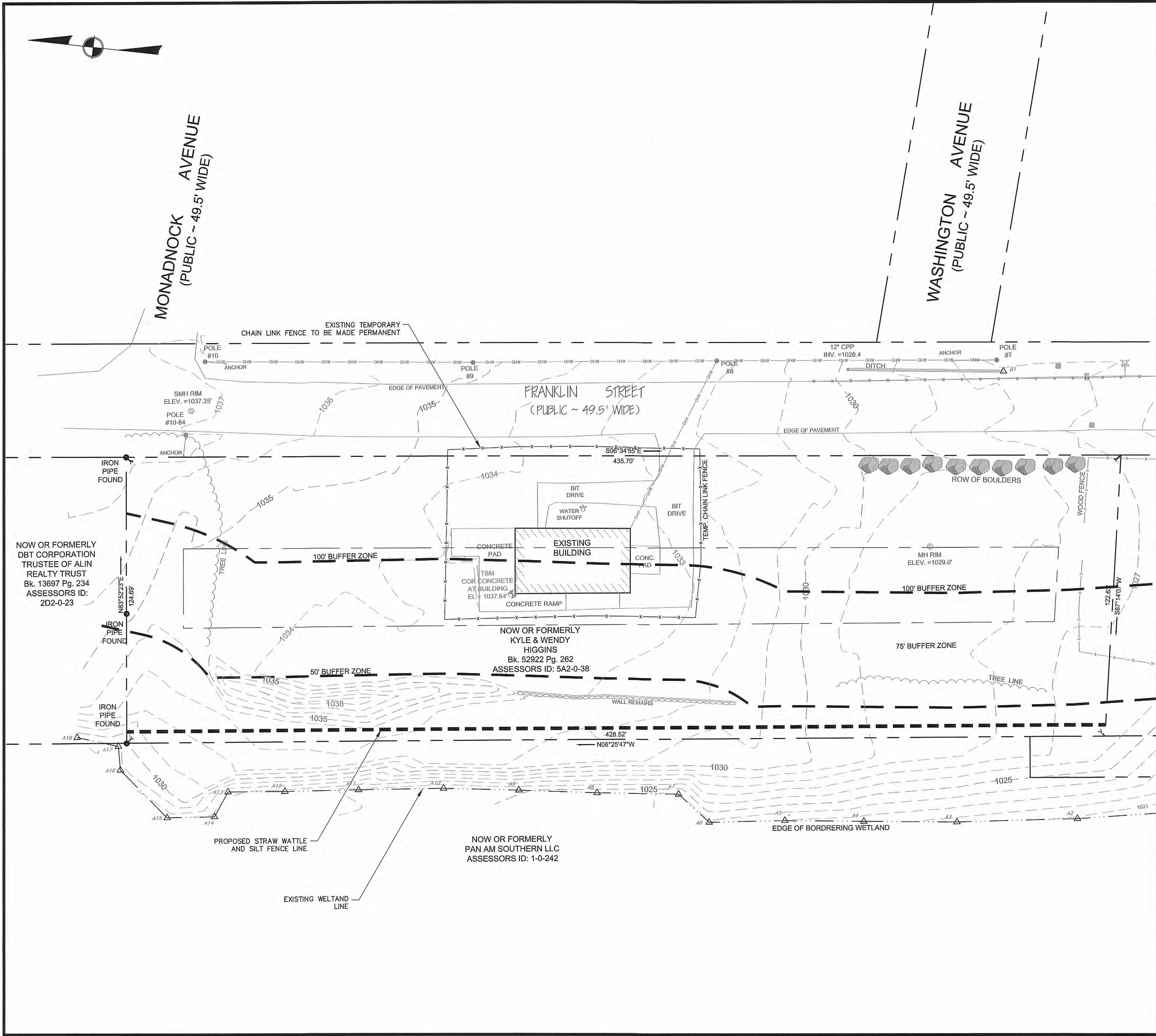
Designed By:	JMD
Drawn By:	JMD
Checked By:	
Original Plan Date:	01/05/19
Revision:	0
Current Revision Date:	01/05/19


John M. Deline, Jr.

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 meeting on Thursday, May 14, 2020 at 6:15 pm to consider the Request for Determination of Applicability filed by McCarty Engineering on behalf of property owners Kyle and Wendy Higgins for proposed work by lessor Green Giant within the 100-foot Buffer Zone to Bordering Vegetated Wetlands at 60 Franklin Street; Assessor's Map 5A-2 Parcel 38. The project includes replacement of an existing security fence around the existing building. If conditions allow the meeting will be held in the Town Hall Aud., 2nd Fl., 109 Front St., Winchendon, MA 01475; otherwise it will be conducted by remote participation, with participation details posted online in the meeting agenda.

A copy of the application information is posted online with the meeting agenda. All interested persons should plan to attend.





March 29, 2020

Ms. Alison Manugian, Agent
Winchendon Conservation Commission
109 Front Street
Winchendon, MA 01475

**RE: Request for Determination
Proposed Development
60 Franklin Street
Winchendon, MA**

Dear Ms. Manugian,

On behalf of Green Giant (Owner), McCarty Engineering Inc. (MEI) is submitting this Request for Determination of Applicability for work located at 60 Franklin Street. The property is approximately 1.23 ac in size as shown on Map 5A-2, Parcel 38, on the Town of Winchendon, MA Assessors maps. This request is pursuant to the Winchendon Wetlands Protection Regulations. Please find enclosed the appropriate number of copies of the Request for Determination of Applicability and supporting material for the project.

The project includes the removal and disposal of the existing debris, fill piles, and other refuse located on the site followed by the revegetation and restoration of the existing area on the west side of the property.

Attached to this letter please find the following:

- Two (2) copies of the RDA and Supporting Documents
- Two (2) full size copy of the Overall Site Plan

We look forward to working with the Commission in the review of this application and the development of appropriate Determination. Should you determine that a site inspection is required we are available for one at your convenience.

Please feel free to contact me with any questions.

Respectfully,

Justin LeClair
Justin LeClair, E.I.T

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, May 14th, 2020 at 6:30 pm to consider the Request for Determination of Applicability filed by property owner Chad Leblanc for proposed work within the 100-foot Buffer Zone to Bordering Vegetated Wetlands at 386 Beachview Drive; Assessor's Map 15, Lot 17. The project includes construction of two retaining walls each approximately 20-25' in length and less than 2 ½' high, and addition of pavers and crushed stone. If conditions allow the meeting will be held in the Town Hall Aud., 2nd Fl., 109 Front St., Winchendon, MA 01475; otherwise it will be conducted by remote participation, with participation details posted online in the meeting agenda.

A copy of the application information is posted online with the meeting agenda. All interested persons should plan to attend.

345 _____
Applicant _____
Date _____

TOWN OF WINCHENDON



Conservation Commission

109 Front Street
Winchendon, Massachusetts 01475-1758

Telephone (978) 297-3537
Facsimile (978) 297-1616

Application for Site Inspection

Owner/Applicant: (PRINT) Chad LeBlanc
Mailing Address: 194 Holly Drive Winchendon MA 01475
Telephone Number: 978-758-3148
Project Location: (Be Specific): 386 Beachview Drive Winchendon MA 01475
Proposed Construction: (hse, addition, etc.): LANDSCAPE WITH 2 WALLS

(Please sketch the location of the proposed construction below)

Show Street #, Lot #, Utility pole # etc., location of work with respect to house if necessary in order to facilitate the inspection process.)

OWNER AFFIRMATION

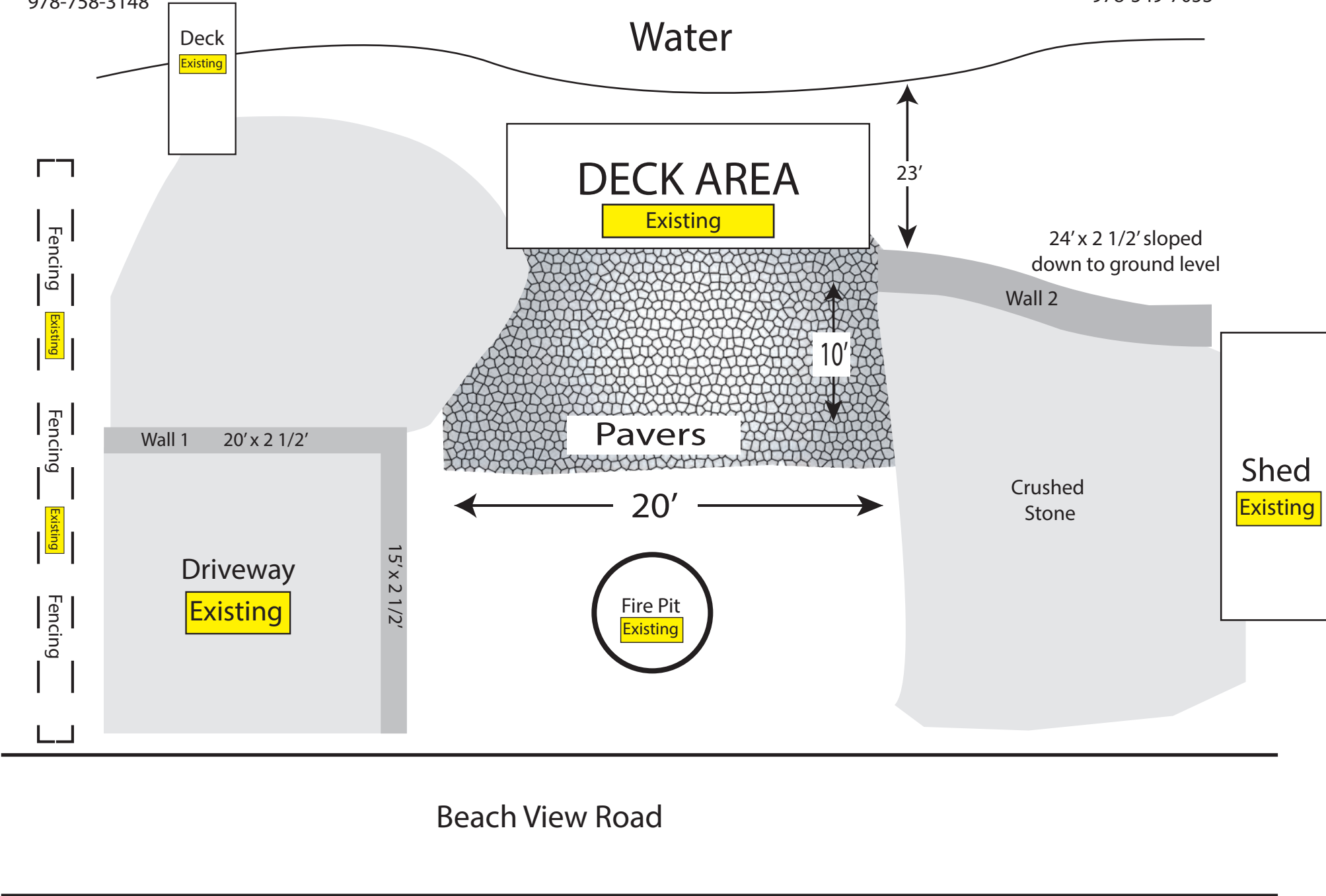
I give permission to the members of the commission and/or the Agent to enter upon the property during reasonable hours for site inspections and evaluations.

Signed Chad LeBlanc Date _____

386 Beachview

Property Owner: Chad LeBlanc
978-758-3148

Keith D
Landscape Construction
978-549-7053



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, May 14th, 2020 at 6:35 pm to consider the Request for Determination of Applicability filed by property owner April Mills for proposed work within the 100-foot Buffer Zone to Bordering Vegetated Wetlands at 376 Beachview Drive; Assessor's Map 15, Lot 18. The project includes removal of 6 trees, each less than 10" diameter and in poor health or dead. If conditions allow the meeting will be held in the Town Hall Aud., 2nd Fl., 109 Front St., Winchendon, MA 01475; otherwise it will be conducted by remote participation, with participation details posted online in the meeting agenda.

A copy of the application information is posted online with the meeting agenda. All interested persons should plan to attend.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Winchendon
City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

April Mills

Name

millsapril@msn.com

E-Mail Address

376 Beachview Dr

Mailing Address

376 Beachview Dr

City/Town

MA

State

01475

Zip Code

978-512-1475

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Winchendon Conservation Commission make the following determination(s). Check any that apply:

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Winchendon

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Winchendon

City/Town

WPA Form 1- Request for Determination of Applicability

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

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

376 Beachview Dr

Street Address

Winchendon

City/Town

M15

Assessors Map/Plat Number

0-18

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

Beach area between road and lake

- c. Plan and/or Map Reference(s):

Title

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Remove dead and diseased trees to mitigate high risk for personal/property damage



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Winchendon

City/Town

WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Proposed activity will not alter an Area Subject to Protection.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

April Mills

Name

376 Beachview Dr

Mailing Address

Winchendon

City/Town

MA

State

01475

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Signature of Representative (if any)

Date



Parcel # M15-0-18

376 BEACHVIEW DR



[Documents & Links](#)

[Assessment](#)



1.

2

3

4

5

6

Property line peg

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, May 14, 2020 at 6:50pm to consider the Request for Determination of Applicability filed by Paul Grasewicz on behalf of property owner Deborah Grise for proposed work at 56 West Shore Drive, Assessor's Map 6, Parcel 25. The project entails the installation of a new septic system and associated grading in the 100-foot Buffer Zone to Lake Monomonac to serve an existing single-family home. If conditions allow the meeting will be held in the Town Hall Aud., 2nd Fl., 109 Front St., Winchendon, MA 01475; otherwise it will be conducted by remote participation, with participation details posted online in the meeting agenda. A copy of the application information is posted online with the meeting agenda. All interested persons should plan to attend.



LOCUS NTS

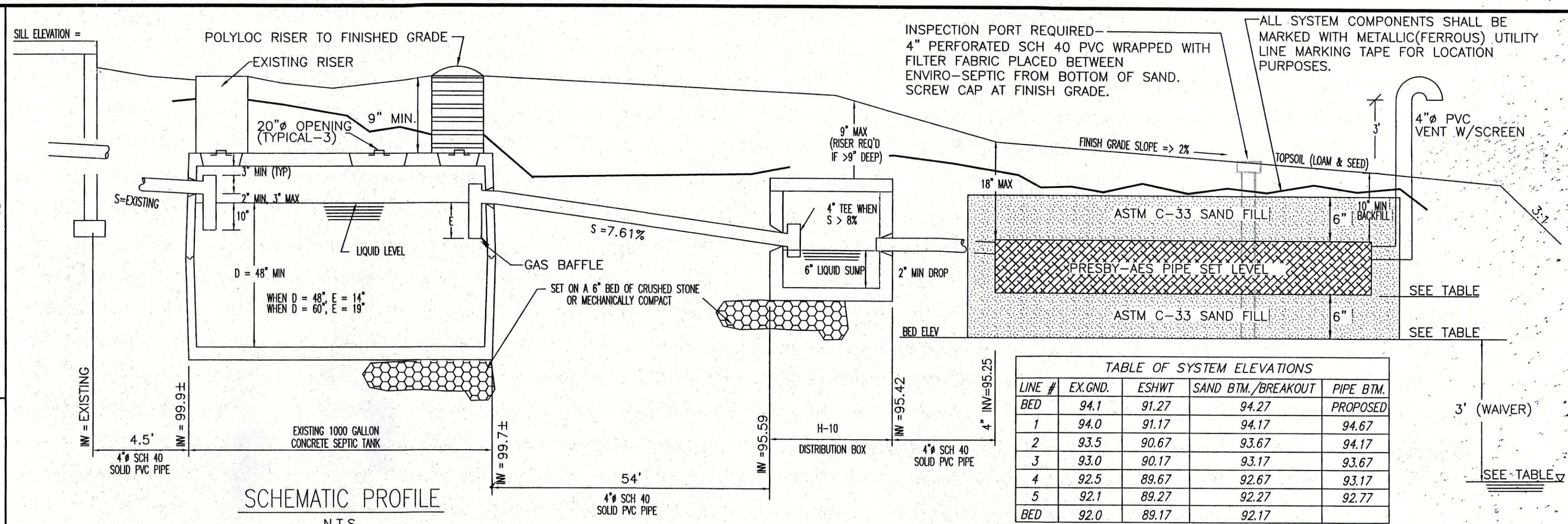
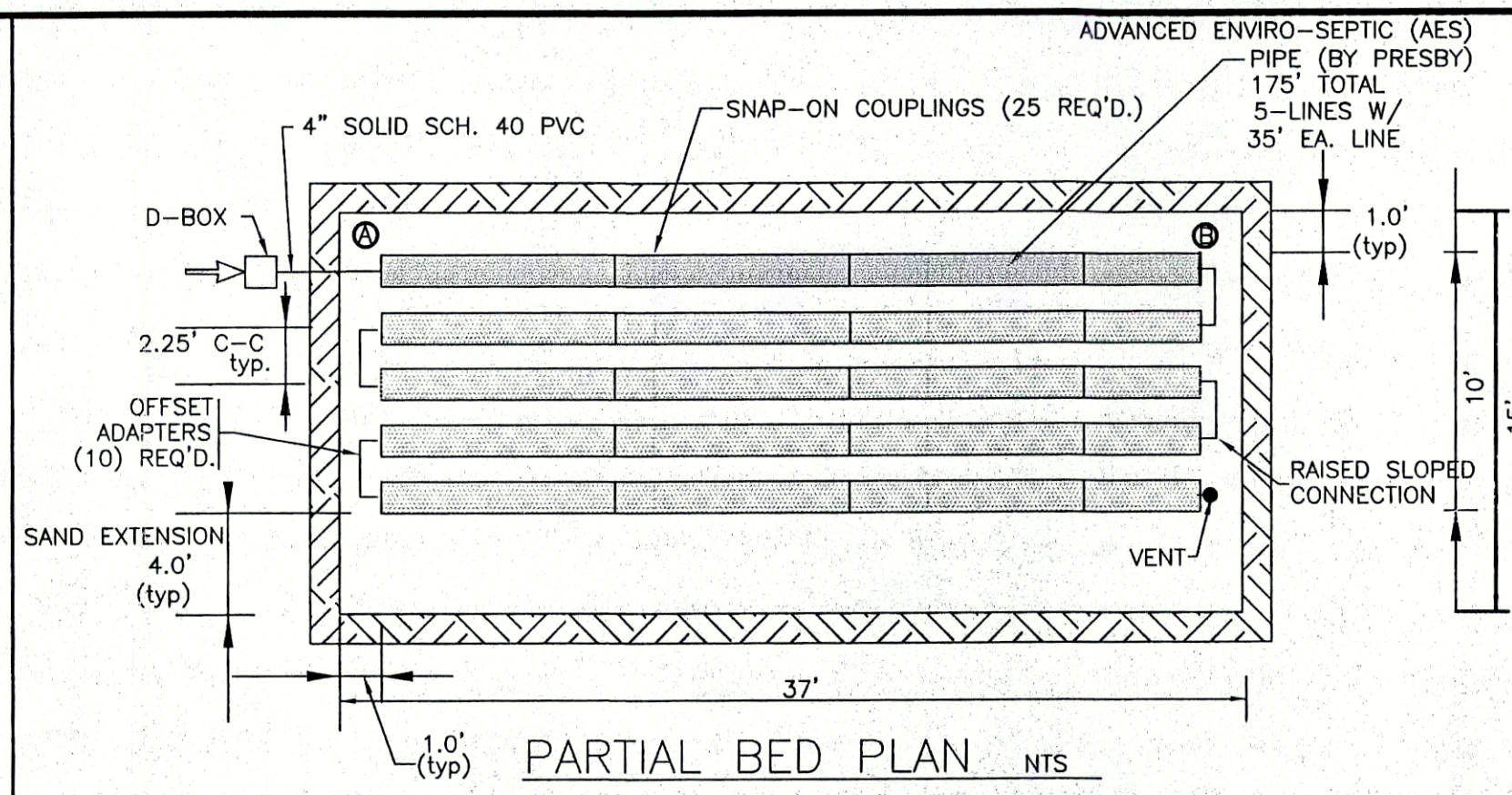
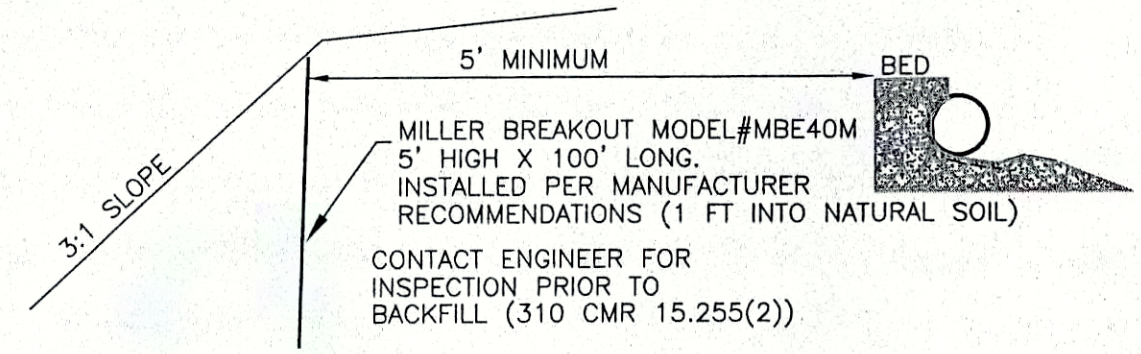
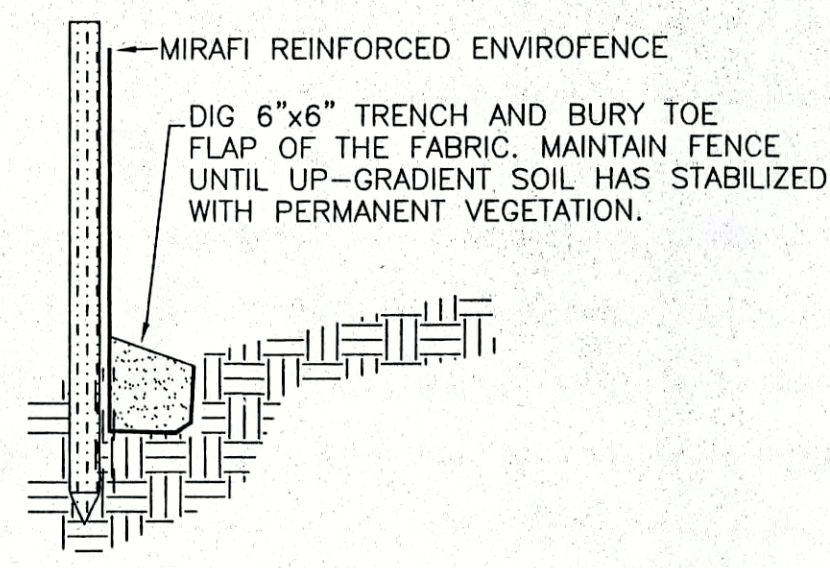


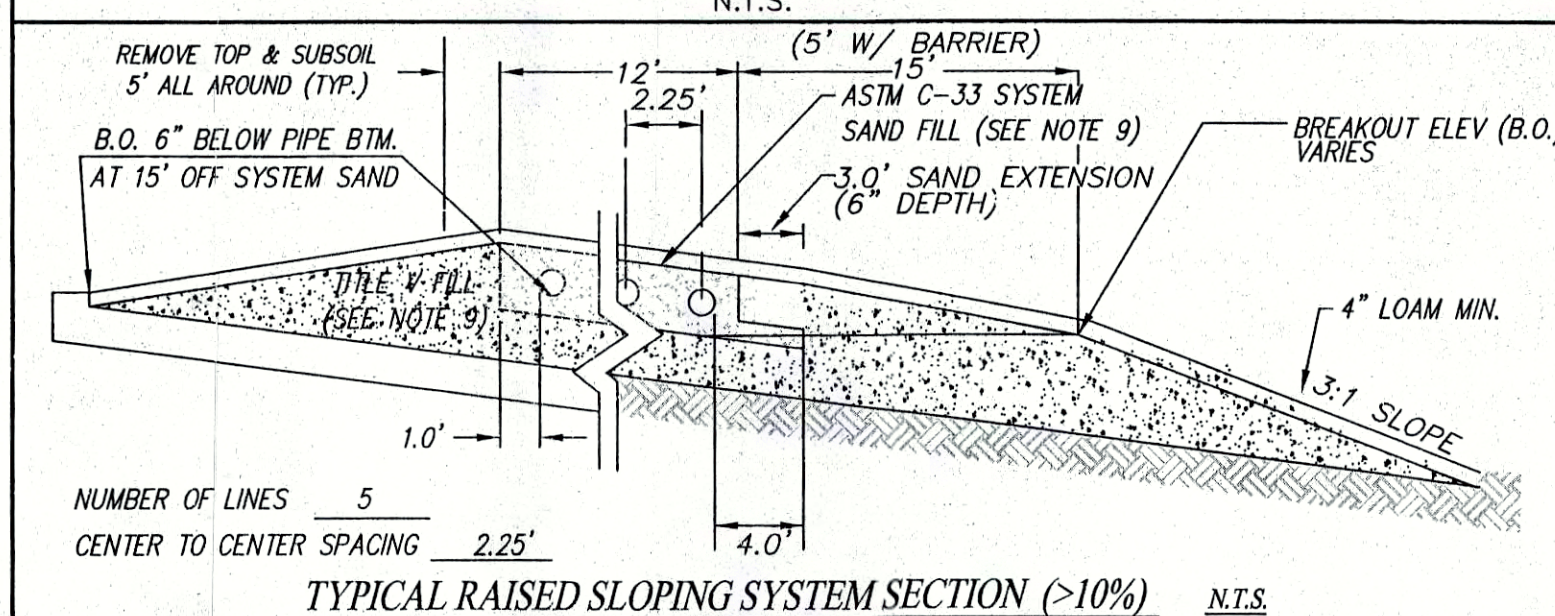
TABLE OF SYSTEM ELEVATIONS				
LINE #	EX. GND.	ESHT	SAND BTM/BREAKOUT	PIPE BTM.
BED	94.1	91.27	94.27	PROPOSED
1	94.0	91.17	94.17	94.67
2	93.5	90.67	93.67	94.17
3	93.0	90.17	93.17	93.67
4	92.5	89.67	92.67	93.17
5	92.1	89.27	92.27	92.77
BED	92.0	89.17	92.17	



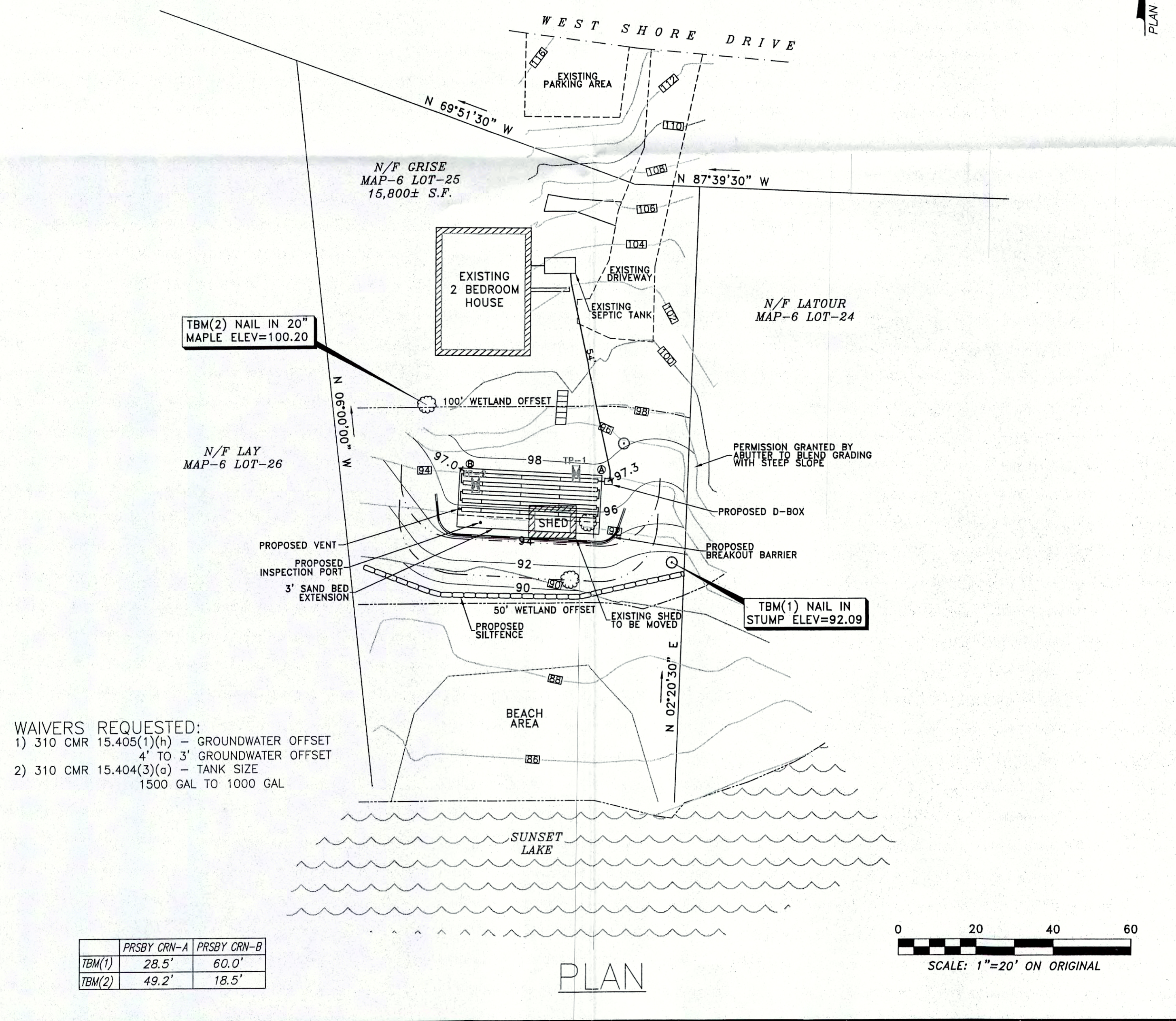
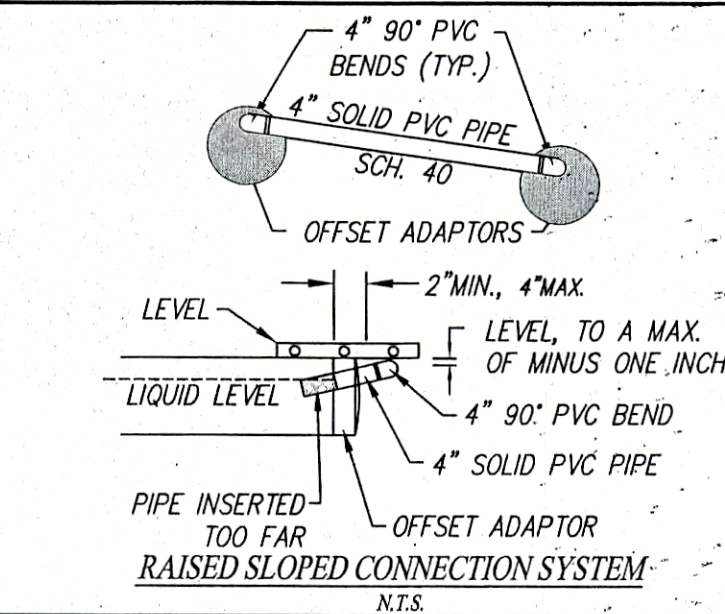
BREAKOUT BARRIER N.T.S.



SILT FENCE N.T.S.



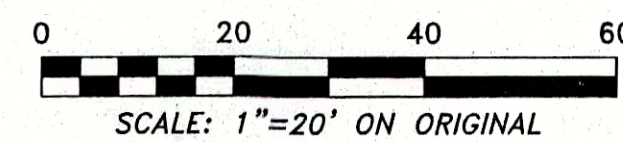
- DESIGN CRITERIA**
- Estimated Hydraulic Loading
2 bedrooms at 110 gals/day/bedroom = 220 gpd.
Garbage disposal shall not be allowed with this system.
Septic tank size = 1,000 gallons (Waiver)
 - Leaching Area Design Criteria
Percolation Rate = 36 mpy
Required linear feet of Presby AES pipe = 100 L.F.
Linear feet of AES pipe provided = 175 L.F.
Square footage required by Title V = 220 GPD / 0.25 = 880 S.F.
60% of Title-5 = 880 x .6 = 528 S.F. (min)
Square footage provided = 555 S.F.



WAIVERS REQUESTED:
1) 310 CMR 15.405(1)(h) - GROUNDWATER OFFSET
2) 310 CMR 15.404(3)(a) - TANK SIZE
1500 GAL TO 1000 GAL

PRSBY CRN-A	PRSBY CRN-B
TBM(1)	28.5' 60.0'
TBM(2)	49.2' 18.5'

PLAN



- NOTES**
- Unless otherwise noted, property lines shown are compiled from existing plans and/or deeds.
 - Underground utility data is plotted from visible field locations and available records. The locations are approximate only and verification must be made in the field and Dig-Safe notified.
 - All work shall be performed by a Licensed Installer and construction shall conform to the State of Massachusetts requirements as established in 310CMR 15.00. Installation of the Presby AES leaching system shall conform to the Advanced Enviro-Septic Design and Installation Handbook. (ADVANCED ENVIRO-SEPTIC MASSACHUSETTS DESIGN AND INSTALLATION MANUAL)
 - The contractor shall install the system exactly as shown on this plan. If changes are necessary, the contractor must contact the Engineer in advance.
 - Heavy machinery shall not be permitted to pass over the leaching area.
 - All piping shall be polyvinyl chloride (PVC) pipe per ASTM D1785 for sch.40 and ASTM D3034 for SDR 35 where indicated on the profile, unless otherwise noted. S&D pipe shall be SDR 35 PVC.
 - Existing septic tank may be used with new system.
 - An H-10 load-rated distribution box (D-box) is required.
 - All topsoil, roots and impervious material, if any, must be excavated and removed below and 5' beyond the soil absorption system area (and the 3:1 fill slope). The natural soil shall be hand raked, system sand (ASTM C-33) shall be used above, between, 12" beyond sides and 6" below the AES. The system sand shall meet ASTM C-33. The system installer shall provide the system owner and the local approving authority with a bill of lading certifying that the sand fill meets ASTM C-33.
 - For proper performance, septic tank should be inspected at least once a year and pumped when the combined thickness of the sludge (bottom) and scum (surface) equals 1/3 or more of the tank depth.
 - Refer to Massachusetts DEP I/A Approval & Presby Operation and Maintenance documents.
 - Sand fill (except, for ASTM C-33 around Presby AES) shall be per title V, a clean granular sand, free from organic matter and deleterious substances. Mixtures and layers of different classes of soil not be used. The sand fill shall not contain any material larger than 2 inches. A sieve analysis, using a #4 sieve, shall be performed on a representative sample of the fill. Up to 45% by weight of the fill sample may be retained on the #4 sieve. Sieve analyses also shall be performed on the fraction of the fill sample passing the #4 sieve, such analyses must demonstrate that the material meets or exceeds each of the following specifications: 100% passing #4 sieve; 10%-100% passing #50 sieve; 0%-20% passing #100 sieve; 0%-5% passing #200 sieve. (11/95 DEP SPEC)
 - ADVANCED ENVIRO-SEPTIC DESIGN CERTIFICATE NUMBER: 2488MAES
 - The owner & designer must certify that the installation meets the DEP Remedial Use Approval.

SOIL TEST DATA

DEEP HOLE & PERC TESTS

PERFORMED BY: PAUL F. GRAWCZ

WITNESSED BY: JIM ABARE, WINCHENDON B.O.H.

DATE: OCTOBER 21, 2019

DEEP HOLE # TP-1	DEEP HOLE # TP-2
FINE SANDY LOAM 10YR 2/2	FINE SANDY LOAM 10YR 2/2
FINE SANDY LOAM 10YR 5/6	FINE SANDY LOAM 10YR 5/6
SANDY LOAM/LOAM 2.5Y 7/2 FEW STONES	SANDY LOAM/LOAM 2.5Y 7/2 FEW STONES
ESWT = 34" 10YR 4/6 STANDING WATER = - SEEPS @ 74"	ESWT = 34" 10YR 4/6 STANDING WATER = - SEEPS @ 74"
GRD EL. 94.2 ESHT EL. 91.36 WATER EL. N/A	GRD EL. 93.8 ESHT EL. 90.97 WATER EL. N/A

PERC TEST NUMBER	DEPTH	PERC RATE	NOTES
PERC-1	41"	36 MPI	

NO.	DESCRIPTION	DATE	BY	DESIGNED BY TWF	SEPTIC SYSTEM DESIGN PLAN MAP-6 LOT-25 56 WEST SHORE DR; WINCHENDON, MA
				DRAWN BY TWF	
				CHECKED BY PFG	
				DATE 11/11/19	
				SCALE 1"=20'	
				JOB NUMBER 19066	
					PREPARED FOR: MICHAEL & DEBORAH GRISE 56 WEST SHORE DR; ASHBURNHAM, MA 01430
					GRAZ Engineering, LLC WWW.GRAZENGINEERING.COM
					323 WEST LAKE RD.; FITZ WILLIAM, NH 03447; (603) 585-6959
					FIELD BOOK NO. PAGES
					SHEET 1 OF 1



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Winchendon
City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information

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



1. Applicant:

Deborah Grise

Name

dpgris15@gmail.com

E-Mail Address

56 West Shore Drive

Mailing Address

Ashburnham

City/Town

MA

State

01430

Zip Code

978-297-1987

Phone Number

Fax Number (if applicable)

2. Representative (if any):

GRAZ Engineering, LLC

Firm

Paul F. Grasewicz

Contact Name

paul@grazengineering.com

E-Mail Address

323 West Lake Road

Mailing Address

Fitzwilliam

City/Town

NH

State

03447

Zip Code

603-585-6959

Phone Number

603-585-6960

Fax Number (if applicable)

B. Determinations

1. I request the Winchendon make the following determination(s). Check any that apply:
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Winchendon
City/Town

WPA Form 1- Request for Determination of Applicability

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

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

56 West Shore Drive

Street Address

Winchendon

City/Town

6

Assessors Map/Plat Number

25

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

Septic Replacement/ Upgrade in the 100' buffer zone of Sunset Lake. Lot area has been previously altered. No work is within the 50' setback and erosion controls are specified.

- c. Plan and/or Map Reference(s):

Septic System Design Plan

Title

11/11/19

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Septic Replacement/ Upgrade in the 100' buffer zone of Sunset Lake. Lot area has been previously altered. No work is within the 50' setback and erosion controls are specified.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Septic system upgrade with no work in the 50' buffer. Erosion controls are proposed.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Winchendon
City/Town

WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Michael & Deborah Grise

Name

56 West Shore Drive

Mailing Address

Ashburnham

City/Town

MA

State

01430

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Deborah Grise

Signature of Applicant

4-1-2020

Date

Paul F. Grise

Signature of Representative (if any)

4-1-2020

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

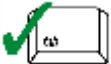
DEP File Number:

none

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)

4/16/2020
Date

To:

Phu Tien
Name of Violator
94 Lincoln Ave - Winchendon, MA 01475
Address

1. Location of Violation:

Property Owner (if different)

Undeveloped Parcel Adjacent - Map 5B2-0- Parcel 54

Street Address

Winchendon

City/Town

5B2

Assessors Map/Plat Number

01475

Zip Code

54

Parcel/Lot Number

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

Removal of several large trees within 20' of a small brook/stream. This is a violation of both the Town Wetland Protection Bylaw and the Massachusetts DEP Regulations 310 CMR Section 10.54 Banks.

Alteration by vegetation removal and other means of Bank and Land Under Water. Unauthorized work also includes unpermitted work in associated Buffer Zones as defined in the Wetland Protection Act's regulations and Town Wetland Protection Bylaw.

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



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:

none

Determination).

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):

Collective activities have impacted the wetland area and buffer zones.

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

June 20, 2020

Date

for the following:

above referenced resource areas

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



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:

none

C. Order (cont.)

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

June 20, 2020

Date

for the following:

Removal of several large trees within 20' of a small brook/stream.

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:

1. Provide written confirmation of intent to comply to the Winchendon Conservation Commission within five (5) business days of receipt of this Order.
2. Restoration plan shall include a site plan sketch showing all WPA resource areas and areas ordered to be restored.
3. Resotation plan shall include a narrative that details the site description, description of unpermitted work performed, areas to be restored, revegetation plans, erosion control plans, and the long-term monitoring plan.

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 8:30a - 6p; Tu - Th 8:30a - 5p

Hours/Days Available

Issued by:

Town of Winchendon Conservation Commission

Conservation Commission



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:

none

Conservation Commission signatures required on following page.

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:

Alison A. Manugian

_____	_____
_____	_____
_____	_____
_____	_____

Signature of delivery person or certified mail number



4/24/20

- Confirmation of intent to comply.-

Hi Alison,
or to Whom it may Concern,
I intend to comply with this order
and with the Town of Winchendon Conservation
Commission.

I apologize for my actions and
intend to make it right again.

Tien Phu

TIEN PHU (508) 274-4826

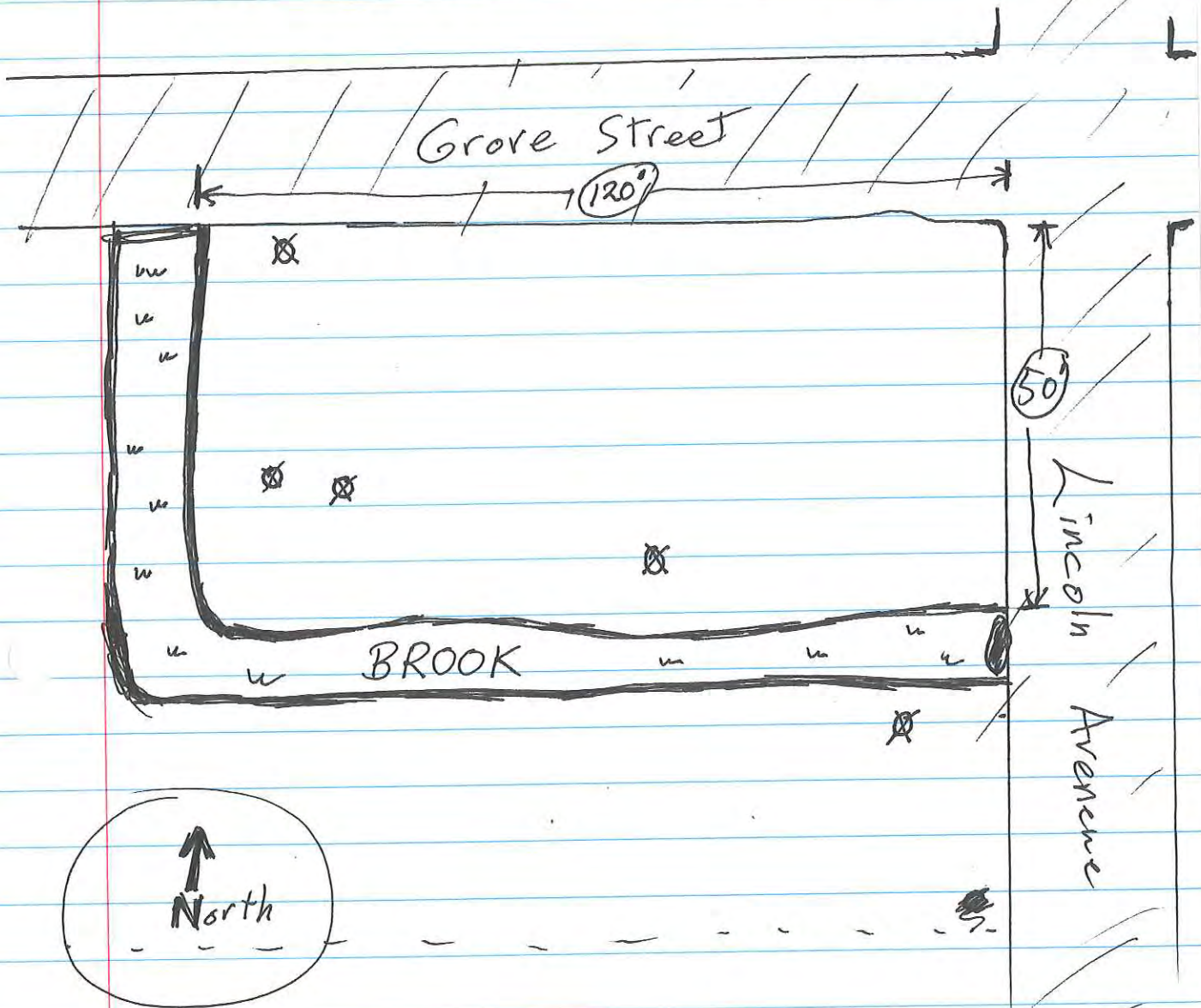
4/24/20

Please Call if you need anything
from me

Thank You

4/24/20

- Site Plan Sketch - Map 5B2-0-Parcel 54



⊗ = Trees cut within 20' of The Brook.

Tien

4/24/20

- Restoration Plan -

Site description: Map 5B2-0- Parcel 54

the Lot intersects Grove Street and Lincoln Avenue. It is a wooded Lot with a small brook that runs through with a 90 degree bend. There are trees of multiple sizes large and small. There were several deteriorating larger trees that were within 20' of the brook. There are approximately 70 trees left on the Lot.

Description of work:

Several large trees were cut down as they posed a threat to the roadway and the power lines surrounding them.

Areas to be restored:

Areas where the trees were cut will be replanted with loam, grass and bushes, To prevent erosion.

The areas around the cut trees remained untouched. The banks and vegetation surrounding the cut trees will not be disturbed with future monitoring/Long term. Please let me know if this will suffice for Erosion Control.

Thank You.

Tien Phu



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

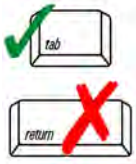
DEP File Number:

NONE

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:

Winchedon Conservation Commission
Conservation Commission (Issuing Authority)

4/23/2020
Date

To:

Melissa Hagemeyer - ZBH Realty Trust
Name of Violator
PO Box 349 Rindge NH 03461
Address

1. Location of Violation:

Property Owner (if different)
386 High Street
Street Address
Winchendon
City/Town
8A3
Assessors Map/Plat Number

01475
Zip Code
14
Parcel/Lot Number

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

Alteration by vegetation removal and other means of wetland as shown on the attached GIS sketch. Unauthorized work also includes unpermitted work in associated Buffer Zones as defined in the Wetland Protection Act's regulations and Town Wetland Protection Bylaw. This is a violation of both the Town Wetland Protection Bylaw and the Massachusetts DEP Regulations 310 CMR 10

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



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:

NONE

Determination).

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

6/20/20

Date

for the following:

above reference resource area.

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



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:

NONE

C. Order (cont.)

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

6/20/2020

Date

for the following:

above referenced resource area and work.

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:

1. Provide written confirmation of intent to comply to the Winchendon Conservation Commission within five (5) business days of receipt of this Order.
2. Restoration plan shall include a site plan sketch showing all WPA resource areas and areas ordered to be restored.
3. Resotartion plan shall include a narrative that details the site description, description of unpermitted work perfomed, areas to be restored, revegetation plans, erosion control plans, and the long-term monitoring plan.

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 8:30a - 6p; Tu - Th 8:30a - 5p

Hours/Days Available

Issued by:

Town of Winchendon Conservation Commission

Conservation Commission



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:

NONE

Conservation Commission signatures required on following page.

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:

Alison J. Manugian

Signature of delivery person or certified mail number



386 High Street

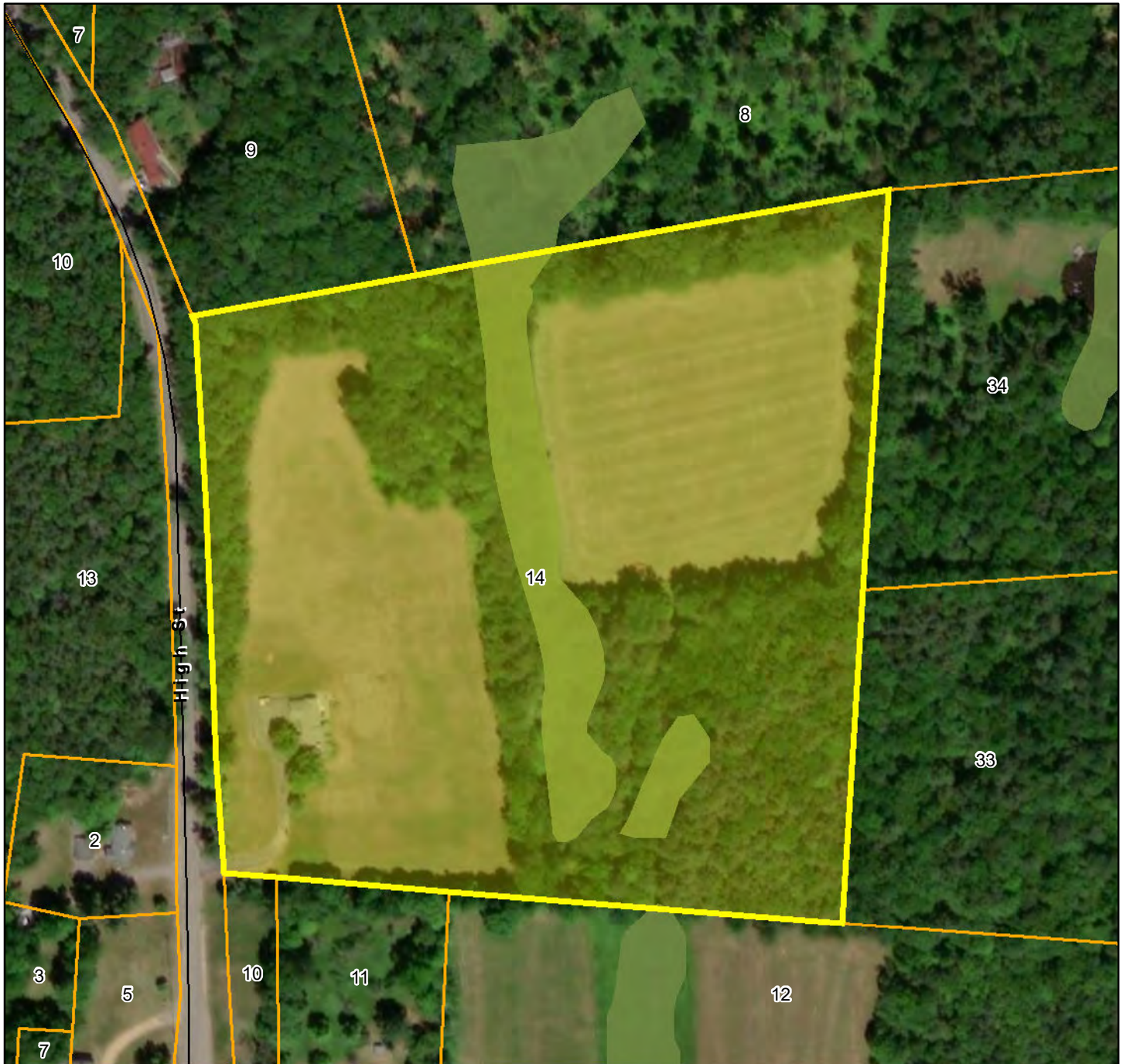
Winchendon, MA



1 inch = 200 Feet



April 23, 2020



	Street Names
	Property Line
	Public Road
	Wooded marsh

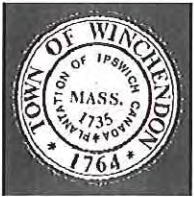
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



162 Main Street



2/25/2020



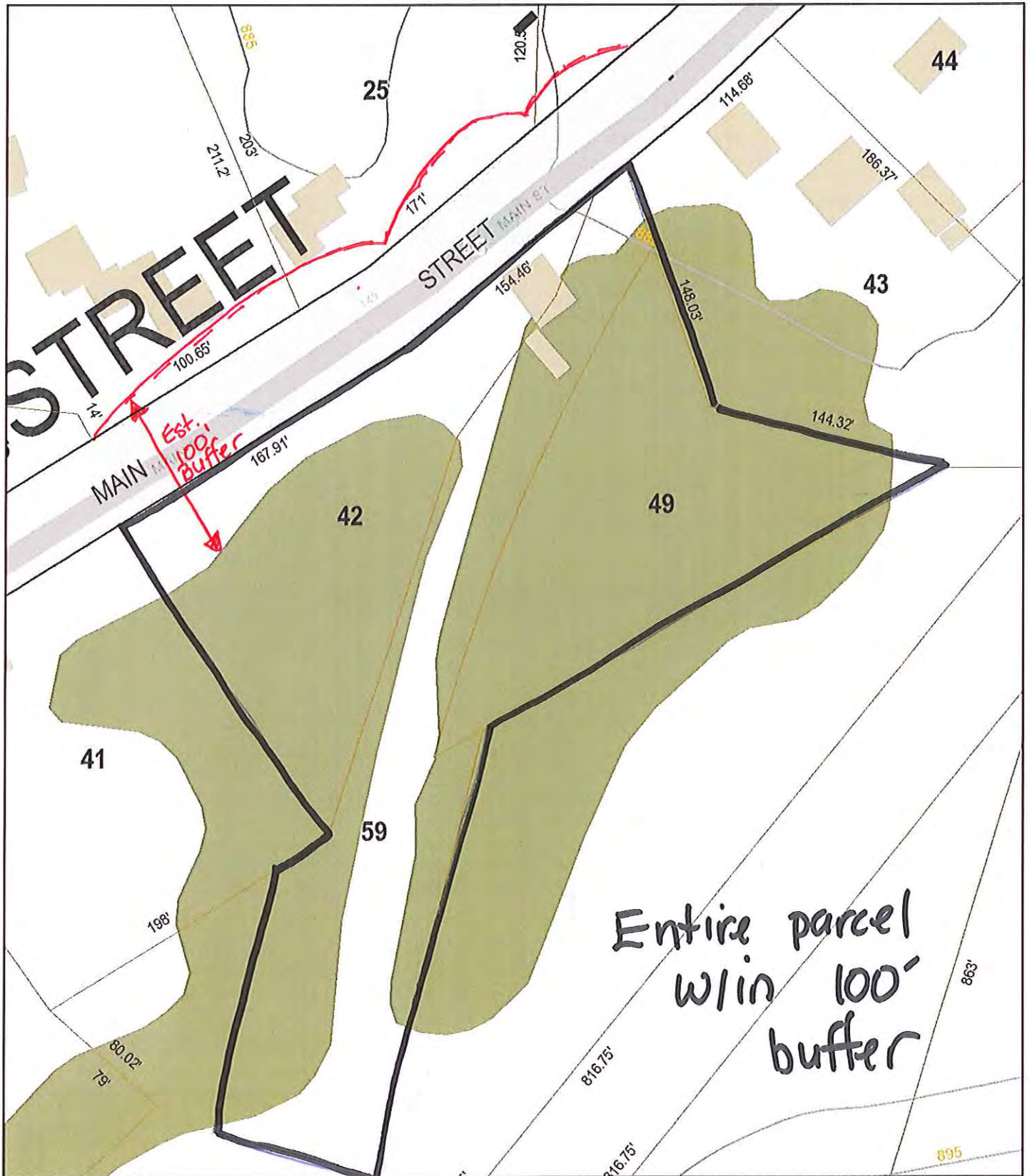
162 Main Street

Winchendon, MA

1 inch = 80 Feet



February 13, 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.

Town of Winchendon
109 Front Street
Winchendon, MA 01475



Land Use
Conservation
Planning and Development

To: Phillip White
From: Alison Manugian
Re: Conservation Setback
Date: March 16, 2020

I appreciate the time that you and your wife made to meet with Geoff and I on your property last week. As you know your recent interest in the Conservation Commission brought the apparent violations on your property to the forefront. As you know there is a 50' no touch zone around the lake, a 75' no build zone and a 100' zone that delineates the outer limit of Commission jurisdiction.

There are numerous sheds and smaller structures that are up on the property. While some are of temporary construction (carports and such) all appear to be permanent structures in continued use. The largest shed, board and batten style with windows, has a building permit. Other wooden sheds on the property appear older and are each under the 200' threshold requiring a building permit. Even structures that do not require a building permit are required to comply with conservation and other setbacks and processes. The three wooden sheds located roughly perpendicular to Beach View Drive are outside of the 50' no touch zone.

There are three permanent wooden structures located on the outer edge of the beach area on your property. These are all within the 50' no build setback and would likely not be permissible today. It appears that these represent relatively little risk. The remaining dark green car port located between these and the large wooden shed is the structure of most concern. It is located within the 50' no touch setback and is currently used to store gas powered mowers and tractors. There is concern that a leak from any of these could impact the wetland. This structure should be relocated closer to Beach View Street or the use should be altered to keep the current equipment outside of the 50' setback.

Lastly, there are numerous watercraft stored on the property outside of summer months. There is a red wooden structure on wheels, whose use is unclear. Please make sure in the future that any vehicles with gas or oil remain outside of the 50' wetland setback.

If you indicate agreement with the items above I will add this to the agenda for an upcoming meeting. As we discussed my hope is that we can find a mutually viable solution that the Commission can ok so we can move forward to appoint you to the Conservation Commission.



16 Monomonac Rd - East

2/25/2020



Sorensen Discussion

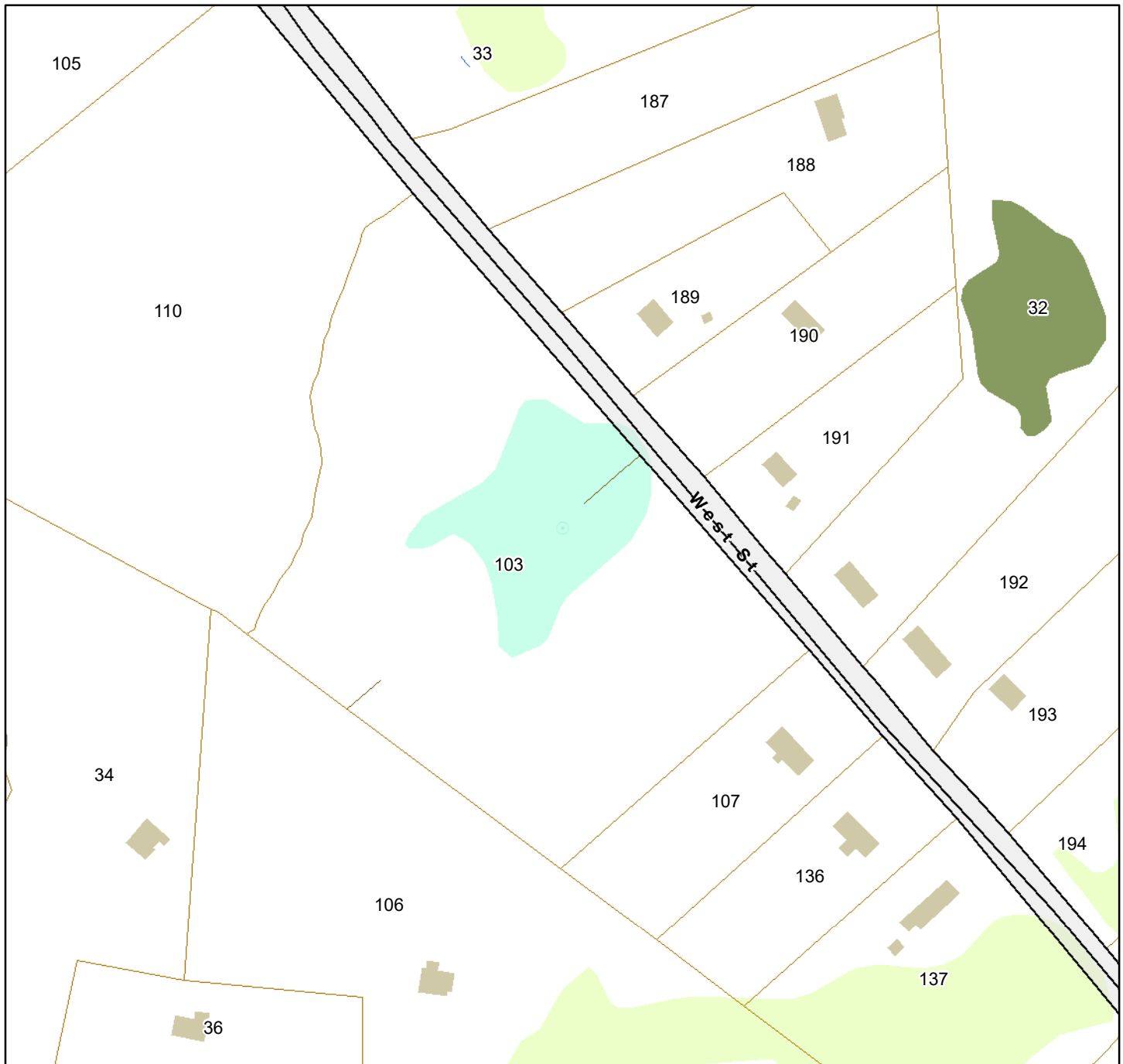
Winchendon, MA



1 inch = 200 Feet

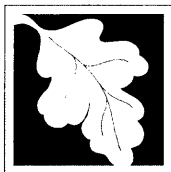


April 29, 2020



Street Names	WaterLines	Wooded marsh
Property Line	Buildings	Open Water
Public Road	Right of Ways	Potential Vernal Pools
Property TIC	Marsh/Bog	

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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:

345-0494

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:

Name Kenneth A. Flanagan

Mailing Address 19 Brooks Road

City/Town Winchendon State MA

Phone Number 978 660 1250

State

Zip Code 01473

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

John E. & David J. Saliba

Applicant

Dated 08/29/2005

345-0494

DEP File Number

3. The project site is located at:

19 Brooks Road

Street Address

4

Assessors Map/Plat Number

Winchendon

City/Town

19

Parcel/Lot Number

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

Property Owner (if different)

Worcester

County

37272

Book

236

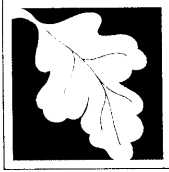
Page

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:

345-0494

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>).



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:

345-0567
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:

Justin and Heather Lafond

Name

558 River Street

Mailing Address

Winchendon

City/Town

MA
State

01475
Zip Code

774 641-0486

Phone Number

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

Greater Gardner Community Development Corporation

Applicant

June 9, 2008

Dated

345-0567

DEP File Number

3. The project site is located at:

558 River Street

Street Address

4C-4

Assessors Map/Plat Number

Winchendon

City/Town

17

Parcel/Lot Number

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

Property Owner (if different)

Worcester

County

NA

Certificate (if registered land)

42989
Book

265
Page

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>).

Town of Winchendon
109 Front Street
Winchendon, MA 01475



Land Use
Conservation
Planning and Development

Environmental Concern Form

Protection of our natural resources is a priority for the Town of Winchendon. While we strive to track projects and halt those being done without appropriate permissions, we can't be everywhere at once. If you have concerns about a project or action taking place in our community please fill out this form and email it to the Conservation Agent at amanugian@townofwinchendon.com. The Agent and Conservation Commission will review the information provided.

At what address was the concern taking place? _____

What happened / is happening?

(Describe the issue in detail, including what you witnessed, what it looked like, any odors, what/who was affected, the location of any discharges and any known identifying information such as a DEP File#.)

Date and time you most recently noticed the concern? _____

How frequently have you noticed it occurring?

Just once

Daily

Weekly

Monthly

Who or what do you think is causing the issue that you are complaining about?

Your Contact Information (to be kept confidential unless you authorize otherwise)

Name _____

Email Address _____

Phone Number _____

Use of Electronic Signatures and “Virtual” Notarization

April 28, 2020

One of the challenges inherent in maintaining governmental operations during the current State of Emergency is the difficulty in conducting transactions that require so-called “wet” ink signatures. The ability to use or accept “e-signatures” can vary, depending upon the document at issue. To compensate for the practical obstacles posed by the current partial or total closures of government offices and the conduct of governmental business via remote means, various administrative and legislative measures have been adopted that permit the use of electronic signatures, at least temporarily, and in certain circumstances. This eUpdate summarizes circumstances where electronic signatures can be used in connection with common government activities.

The information contained herein is current as of the date of issuance. Where the state and federal governments are regularly enacting new or updated laws, regulations, and guidances in response to the COVID-19 crisis, we recommend that you consult with counsel regularly to ensure that you have the most up-to-date information.

A. General Use of Electronic Signatures:

As a starting point, under the Uniform Electronic Transaction Act, G.L. c.110G, an electronic signature is legally binding to the same extent as a handwritten signature. See G.L. c.110G, §7. An electronic signature is defined as an “electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” G.L. c.110G, §2.

While G.L. c.110G provides some authority for acceptance of electronic signatures, there are exceptions applicable to certain municipal transactions. Indeed, there are a number of state statutes that would not otherwise permit the use of electronic signatures. During the declared State of Emergency, however, the following legislative and administrative actions permit the use of electronic signatures in many (but not all) instances:

- The permit deadline extension provisions of Chapter 53 of the Acts of 2020 allow municipalities to accept “permit” applications electronically, subject to certain requirements (as explained in our eUpdates entitled “[Municipal Relief Legislation Passed by State Legislature](#)” and “[Land Use Permitting Deadline Extensions](#)”). This legislative authorization for the submission of permit applications electronically, coupled with G.L. c.110G with respect to electronic signatures, provide the mechanism to address those situations where a state statute does not otherwise allow for electronic filing of permit applications, and allowing for acceptance of same with an electronic signature, at least temporarily.
- The Massachusetts Supreme Judicial Court (SJC) has generally authorized the use of electronic signatures on various court filings, including affidavits.
- The Massachusetts Registers and Assistant Registers of Deeds Association has adopted an Amendment to the [Massachusetts Deed Indexing Standards 2018](#) (Amendment), effective April 17, 2020, that allows municipal boards to utilize electronic signatures on documents that are filed with Registries of Deeds, provided that the municipal board has followed a specific procedure. As of this date, all Registries of Deeds have accepted this Amendment. Note, though, that the Land Court has **not** yet authorized the use of electronic signatures for registered land unless a statute, rule, order or court guidance authorizes electronic signatures for specific types of documents. Absent such statute, rule, order or court guidance, electronic signatures are permitted for documents pertaining to recorded land only. A copy of the Amendment is attached, and the process for implementing this Amendment is discussed in Section B, below.
- The Legislature recently passed “An Act Relative to Remote Notarization During COVID-19 State of Emergency”, which allows attorneys and attorney-supervised paralegals who are certified notary publics in the Commonwealth to notarize documents using electronic real-time video conferencing, subject to certain requirements. This new law is discussed in Section E, below.

The use of electronic signatures by municipal boards in particular situations is discussed in more detail, below. Should you have questions about the use of electronic signatures in circumstances not covered in this eUpdate, please contact your primary, land use, or other counsel at KP | Law for further guidance.

B. Electronic Signatures by Municipal Boards on Recordable Documents (other than Plans):

In an attempt to relieve municipal boards from signing documents in-person, an Amendment to the Massachusetts Deed Indexing Standards of 2018 was adopted to allow electronic signatures on recordable documents (though not for documents pertaining to registered land). That Amendment, dated April 17, 2020, and titled *No. 13-7. “Electronic Signatures by Municipal Boards” (Amendment)*, requires that prior to any municipal board executing documents by electronic signature in accordance with G.L. c.110G, a vote must be made at a properly called meeting, stating that the board recognizes and accepts the provisions of G.L. c.110G, and that executed documents by members with electronic signatures or with wet ink signatures will carry the same legal weight and effect.

1. The Council/Board/Commission votes to authorize electronic signatures and a Certificate of Vote is prepared, memorializing the vote.

The first step in this process is that the Council/Board/Commission votes to recognize and accept the provisions of G.L.c.110G, and authorize electronic signatures. The matter should be placed on an agenda for a duly noticed meeting in compliance with the Open Meeting Law.

- The **agenda item** can take the following form:

“Discussion and possible adoption of M.G.L. c.110G, regarding the use of electronic signatures by Council/Board/Commission members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020.”

- The **motion** at the meeting can take the following form:

“Moved that the _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.”

Assuming that this matter considered at a “virtual” meeting of the council, board, or commission, the vote must be by roll call, and recorded in the meeting minutes as a roll call vote. If adopted, a Certificate of this Vote is then prepared.

2. The Certificate of Vote is signed, notarized and certified by the City/Town Clerk.

This Certificate of Vote, containing the language of the motion and attesting the vote, is signed and then certified by the City or Town Clerk prior to being recorded at the applicable Registry of Deeds. We have attached a sample Certificate of Vote for your use. Once the Certificate of Vote is recorded, electronic signatures may be affixed to permitting or compliance documents such as decisions and/or Orders of Conditions that have been approved by a council, board or commission vote.

3. The Certificate of Vote is recorded at the Registry of Deeds.

4. For each Decision/Approval/Order of Conditions issued, we recommend adding a specific statement regarding the Council/Board/Commission vote to authorize electronic signatures, on the signature page of the Decision/Approval/Order.

For instance, the following language can be used:

Pursuant to the vote taken by [specify name of council, board or commission] on _____, 2020, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Council’s/Board’s/Commission’s electronic signature authorization vote recorded on [DATE] with the _____ Registry of Deeds.

C. Use of Electronic Signatures by Conservation Commissions:

The Wetlands Protection Act requires that Orders of Conditions (OOC) be signed by a majority of Commission members. G.L. c.131, §40.¹ Previously, some Registries had rejected OOCs containing electronic signatures; however, we anticipate that with the adoption by all Registries of the Amendment discussed above, that electronic signatures will no longer be an issue (except for registered land documents, which still require a “wet” ink signature). Thus, Conservation Commissions may wish to consider following the process identified above should they want to execute documents electronically. Note that because state law requires that Orders of Conditions contain the signatures of a majority of Conservation Commission members, in our opinion the Commission could *not* vote to delegate signatory authority for OOCs issued pursuant to the Wetland Protection Act to a single Commission member or a Conservation Agent or Administrator.

D. Use of Electronic Signatures on Plans Endorsed or Approved by Planning Boards:

Most land use boards, *aside from Planning Boards*, do not have a legal requirement that they endorse actual plans of land. Planning Boards, however, may be required to endorse “Approval Not Required” (ANR) or subdivision plans prepared by an applicant’s engineer or land surveyor. Generally, Registries of Deeds require actual mylar plans for recording, and while the process described in Section B, above, could be used to permit the use of electronic signatures on ANR or subdivision plans, there can be a reluctance to provide Planning Board members’ electronic signatures to a third party to actually affix the members’ electronic signatures to the mylar plans prior to recording. Also, plans for registered land may not be signed electronically.

As an alternative to using Planning Board members’ electronic signatures on such plans, the provisions of G.L. c.41, §§81P (ANR plans) & 81X (subdivision plans) allow a Planning Board to vote to authorize a single individual to endorse plans on behalf of the Board for recording in the Registry of Deeds. During the current COVID-19 emergency, while the Board is meeting remotely, it may wish to use this mechanism to simplify the logistics of signing plans. While not modifying the Board’s substantive review of the plans, the mechanism will allow the Board to carry out its statutory duties and enable plans to be filed without undue complication.

The Board can accomplish this by vote at a properly noticed meeting, followed by letter of notice to the Registry. The procedure here is similar to the process described in Section B, above, and the Board must vote to take action *under both statutes*. The vote will then designate a single signatory to sign plans on behalf of the Board. The signatory does not need to be a member of the Board; however, since the statute specifies, “name of the person so authorized,” the vote should designate a named individual than that individual’s title (e.g., “Bob Smith”, not “Chairman”). This means, however, that when the person so authorized is no longer employed by the City or Town or a member of the Board, a new designation must be voted and notice of same provided to the Registry.

Both G.L. c.41, §§81P & 81X require the signatures of a majority of the Board on the notice sent to the Registry. In ordinary times, this would be accomplished at an in-person meeting, or by having members come

¹ “Such order or notification shall be signed by the mayor or a majority of the conservation commission or board of selectmen, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department.”

to Town Hall independently to sign the notice. Current circumstances may warrant a different approach. Instead, each member (of a majority of the Board) could print out and sign a signature page, and send it to the Planning Department or staff to be assembled with the notice and sent to the Registry.

When the current State of Emergency terminates, if the Board seeks to revert to the prior practice of in-person plan endorsement, the Board should vote to withdraw its authorization for the individual to endorse plans on behalf of the Board. A second letter should be prepared and submitted to the Registry reflecting this vote and as notification of a reversion to the prior endorsement authorization.

E. “Virtual” Notarization:

Some municipal real estate transactions, contracts, and affidavits are required to be notarized. Typically, this requires in-person attendance of both the notary and the person(s) whose signature(s) are to be notarized. Under “An Act Relative to Remote Notarization During COVID-19 State of Emergency”, attorneys and attorney-supervised paralegals who are certified notary publics in the Commonwealth are allowed to notarize documents using electronic real-time video so long as specific requirements are met. Those requirements are attached. This temporary authorization of “virtual” notarization automatically expires three days after the Governor rescinds the current State of Emergency. The automatic repeal of the Act, however, will not invalidate any documents executed in accordance with the Act.

We will continue to keep you updated on additional developments in the face of this rapidly evolving pandemic. A reminder that we have established a **Coronavirus “hotline”**, at coronavirusinfo@k-plaw.com. A dedicated team of our attorneys is available through this “hotline” e-mail address to answer the most frequently asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary, land use or real estate contact, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

THE LEADER IN PUBLIC SECTOR LAW

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Massachusetts Deed Indexing Standards 2018

April 2020 Amendment

The Massachusetts Registers and Assistant Registers of Deeds Association has adopted the following Amendment to the Massachusetts Deed Indexing Standards 2018. This amendment is effective April 17, 2020 and, as of the date of this eUpdate, applies to recorded land only.

13-7. Electronic Signatures by Municipal Boards – The following procedure is recommended for municipal councils, boards and commissions that wish to execute and record with the Registry of Deeds documents in accordance with Massachusetts General Laws Chapter 110G (Uniform Electronic Transaction Act).

1. At a properly called meeting, the municipal council, board or commission (hereinafter “board”) should formally vote that the board recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.
2. The board then records at the Registry of Deeds a Certificate of Vote that provides the language of the motion that was made regarding electronic signatures and attests to the vote taken, and obtains the City/Town Clerk’s certification.
3. Board members may thereafter cause their electronic signature to be affixed to permitting or compliance documents that have been approved by a board vote. Such electronically signed documents should also include a statement that the signatures are made in accordance with M.G.L. c.110G and pursuant to the board’s electronic signature authorization vote recorded on [DATE] in [BOOK and PAGE NUMBERS] at the [NAME OF REGISTRY] Registry of Deeds.
4. Any document so executed shall be accepted for recording at the Registry of Deeds electronically or as a paper print of the electronically-executed document.

CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G

On _____, 2020, the _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken:

Motion: _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Member Name — Aye; Member Name — Aye; Member Name — Aye; Member Name — Aye;
Member Name — Aye; Member Name — Aye; Member Name — Aye

Vote was Unanimous

The above is a true and accurate account of the proceedings of the _____ City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission.

Name/Title: _____ Date: _____, 2020

Commonwealth of Massachusetts

County of _____, ss.

On this ____ of _____, 2020, before me, personally appeared _____, [Chair/Vice-Chair/Member] of said City Council/Board of Selectmen/Select Board/Planning Board/Zoning Board of Appeals/Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the _____ [city/town] of _____.

Notary Public

My Commission Expires:

Certified by Town/City Clerk:

[name]

Date: _____, 2020

THE LEADER IN PUBLIC SECTOR LAW

OUTLINE OF PROCESS FOR “VIRTUAL” NOTARIZATION

The Massachusetts Legislature has enacted temporary legislation to allow certified notary publics in the Commonwealth to notarize documents using electronic real-time video conferencing. The following steps are required for “virtual” notarization, which occurs via video conference. Any document executed in accordance with this process will be valid for filing or recording with any state, local, or federal agency, court, department, or office. The signature of all witnesses who participate in the required video conference(s) will be valid as if executed in person.

- 1) **Video Conference(s)**: the notary must observe the principal (the witness) execute the document in an initial video conference.

If and only if the document is executed in the course of closing a transaction such as a mortgage or other conveyance of title to real estate, a second video conference is required. In the second video conference, each witness must verify to the notary public that the document subsequently delivered to the notary public (detailed below) is the same document which was executed during the initial video conference.

- 2) **Oath**: the notary and the witness both swear under the penalties of perjury that they are physically present in Massachusetts during the video conference(s). Each witness must identify and disclose any other person present in the room and make that person viewable to the notary public.
- 3) **Satisfactory Proof of Identification**: each witness must provide the notary with satisfactory evidence of identity by displaying it during the video calls and by submitting a copy of the front and back of the identification (with the electronic document or separately) by e-mail. The Notary must retain the copy of the individual’s identification for a period of ten (10) years.

"Satisfactory evidence of identity" includes: 1) a current document issued by a federal or state government agency bearing the photographic image of the individual's face and signature; 2) the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the individual; or 3) identification of an individual based on the notary public's personal knowledge of the identity of the principal. A person who is not a U.S. citizen must, however, produce a valid passport or other government-issued document with photograph and signature. G.L. c.222, §1.

For documents executed in the course of a closing of a transaction involving a mortgage or other conveyance of title to real estate where the witness is not personally known to the notary public, the witness must display a second form of identification containing the witness’: 1) name; and 2) photograph or signature, or otherwise be issued by a government entity, during the initial video conference. This second identification may be: a utility bill or municipal tax bill dated within sixty (60) days of the video conference, a credit or debit card, or social security card.

- 4) **Affirmation**: each witness must make an acknowledgment or affirmation to the notary public, as appropriate.

- 5) **Delivery of Documents:** a witness must promptly deliver the executed document to the notary by delivery service, courier, “or other means,” in accordance with the notary’s instruction. The Legislation does not specify whether the document may be transmitted electronically.
- 6) **Stamp and Seal:** after the above process has been completed, the notary public may stamp and sign the executed document, completing the notarial act. With respect to any will, guardianship nomination, health care proxy, power of attorney, trust, caregiver authorization, or authorization under the Health Insurance Portability and Accountability Act (HIPAA), the document is completed when the original counterparts and the notary public’s affidavit (detailed below) are compiled. Such acts may only be performed by an attorney or an attorney-supervised paralegal. Electronic signatures are not permitted for notary public acknowledgements.
- 7) **Affidavit:** the notary public must attach a certificate to the executed document, which will include an affidavit and recital indicating that the document was notarized remotely in accordance with this Act, provided, however, that a failure to include any of the required recitals will not affect the validity or recordability of the document. The affidavit must be retained by the notary public for a period of ten (10) years.

The affidavit must confirm under the pains and penalties of perjury that:

- Identification was received and visually inspected during the initial video conference;
- The notary public obtained verbal assent to record the video conference(s);
- The witness(es) attested to being physically present in the Commonwealth;
- Note anyone who was in the room with the witness(es) and his/her/their relationship to the witness(es);
- The affidavit does not have to be recorded with the executed document, but must be retained by the notary for 10 years. The signature of the witness(es) who participates in said video conference will be valid as if executed in person.

This affidavit does not need to be filed with any document recorded in a Registry of deeds or filed with the land court. Additionally, with respect to Land Court and Registry recordings, a witness’s failure to disclose physical presence in the Commonwealth or the identity of others in the room shall not constitute grounds to set aside title to real property acquired by a third-party mortgagee or purchaser for value.

Town of Winchendon
109 Front Street
Winchendon, MA 01475



Land Use
Conservation
Planning and Development

CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G

On May 14, 2020, the Winchendon Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken:

Motion: The Town of Winchendon Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Kyle Bradley	Aye	Nay	Abstain
David Whitaker	Aye	Nay	Abstain
April Mills	Aye	Nay	Abstain
Michael Mimnaugh	Aye	Nay	Abstain

Motion passed - Vote was

The above is a true and accurate account of the proceedings of The Town of Winchendon Conservation Commission.

Name/Title: _____ Date: _____, 2020
Commonwealth of Massachusetts
County of _____, ss.

On this ____ of _____, 2020, before me, personally appeared Kyle Bradley, Chair of said Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Winchendon.

Notary Public
My Commission Expires:
Certified by Town/City Clerk:

_____ Date: _____, 2020

Town of Winchendon
109 Front Street
Winchendon, MA 01475



Land Use
Conservation
Planning and Development

CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G

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Motion: The Town of Winchendon Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Kyle Bradley	Aye	Nay	Abstain
David Whitaker	Aye	Nay	Abstain
April Mills	Aye	Nay	Abstain
Michael Mimnaugh	Aye	Nay	Abstain

Motion passed - Vote was

The above is a true and accurate account of the proceedings of The Town of Winchendon Conservation Commission.

Name/Title: _____ Date: _____, 2020
Commonwealth of Massachusetts
County of _____, ss.

On this ____ of _____, 2020, before me, personally appeared David Whitaker, Vice-Chair of said Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Winchendon.

Notary Public
My Commission Expires:
Certified by Town/City Clerk:

_____ Date: _____, 2020

Town of Winchendon
109 Front Street
Winchendon, MA 01475



Land Use
Conservation
Planning and Development

CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G

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Motion: The Town of Winchendon Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Kyle Bradley	Aye	Nay	Abstain
David Whitaker	Aye	Nay	Abstain
April Mills	Aye	Nay	Abstain
Michael Mimnaugh	Aye	Nay	Abstain

Motion passed - Vote was

The above is a true and accurate account of the proceedings of The Town of Winchendon Conservation Commission.

Name/Title: _____ Date: _____, 2020
Commonwealth of Massachusetts
County of _____, ss.

On this ____ of _____, 2020, before me, personally appeared April Mills, Member of said Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Winchendon.

Notary Public
My Commission Expires:
Certified by Town/City Clerk:

_____ Date: _____, 2020

Town of Winchendon
109 Front Street
Winchendon, MA 01475



Land Use
Conservation
Planning and Development

CERTIFICATE OF VOTE AUTHORIZING SIGNATURES PURSUANT TO M.G.L. c.110G

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Motion: The Town of Winchendon Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Motion was seconded.

Roll Call vote:

Kyle Bradley	Aye	Nay	Abstain
David Whitaker	Aye	Nay	Abstain
April Mills	Aye	Nay	Abstain
Michael Mimnaugh	Aye	Nay	Abstain

Motion passed - Vote was

The above is a true and accurate account of the proceedings of The Town of Winchendon Conservation Commission.

Name/Title: _____ Date: _____, 2020
Commonwealth of Massachusetts
County of _____, ss.

On this ____ of _____, 2020, before me, personally appeared Michael Mimnaugh, Member of said Conservation Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Winchendon.

Notary Public
My Commission Expires:
Certified by Town/City Clerk:

_____ Date: _____, 2020

KEITH L. MORRIS

622 Spring Street
Leeds, Massachusetts 01053
keithlmorris@comcast.net
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APR 21 '20 PM 12:21

April 15, 2020

Winchendon Conservation Commission
109 Front Street
Winchendon, MA 01475

RE: 2020 Yearly Operational Plan
Pan Am Railways, Inc.

Dear Sir/Madam

This correspondence serves as formal notification, in accordance with the Pesticide Board Regulations 333 CMR 11.07 and Massachusetts General Law Section 6b of Chapter 132B, that Pan Am Railways, Inc. will commence with a post emergent herbicide application program on or after May 1, 2020 and conclude on or about August 1, 2020. The specific date of application in your community shall depend upon scheduling and weather conditions.

A mixture of the herbicides Aquaneat, Milestone or Opensight, Oust XP or Polaris AC Complete, or Esplanade 200SC for ballast application and Aquaneat, Milestone or Opensight, or Patriot Selective and Escort XP for brush control shall be applied with low-pressure spray application by a track mounted hy-rail truck. The purpose of the application is to control nuisance vegetation in the ballast portion of the railroad right-of-way and around switches and signals.


A copy of the 2020 Yearly Operational Plan, which includes Material Safety Data Sheets, a Department of Agricultural Resources approved fact sheet and a sample label for each herbicide is available for download on the web site <http://railroadvmpyop.wordpress.com/about/> or a hard copy may be requested by contacting this office. Notification has been sent by registered or certified mail to the chief elected official, Board of Health and Conservation Commission of each affected community.

Application of the herbicides will be performed by the following certified applicator.

RWC, INC.
Lockhouse Road, Turnpike Industrial Park
P.O. Box 876
Westfield, MA 01085
(413) 562-5681

If you should have any questions concerning the above matter, please contact our office at your convenience.

Sincerely,


Keith Morris
Environmental Consultant

cc: Pan Am Railways, Inc.