

**Town of Webster
Conservation Commission
Minutes of the Meeting – June 29, 2020**

A meeting of the Conservation Commission was held on Monday June 29, 2020 via conference call in accordance with Governor Baker's emergency order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20 due to the public health emergency relating to the Coronavirus pandemic.

Attending: Chairman Joseph Wigglesworth, Vice Chairman Michelle Sherillo, Fred Bock, Robin Jewell, Hayden Brown, Klarissa Johnson, Daniel Duteau

Staff –Mary Overholt, Conservation Agent, Kelly Gorham, Clerk

Meeting called to order: 5:34 p.m.

Chairman Wigglesworth reads the Governor's Orders regarding Open Meeting Law, G.L. c. 30A § 20.

Meeting Minutes

Ms. Johnson motion to table the meeting minutes from June 11, 2020 to the next meeting. Ms. Sherillo second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Mr. Duteau – AYE; Mr. Brown – AYE; Ms. Johnson – AYE; Ms. Jewell – AYE; Mr. Bock – AYE)

Mr. Brown motion to approve the meeting minutes from May 4, 2020. Ms. Johnson second. Vote 5-2 by roll call (Mr. Wigglesworth – Abstain; Ms. Sherillo – Abstain; Mr. Duteau – AYE; Mr. Brown – AYE; Ms. Johnson – AYE; Ms. Jewell – AYE; Mr. Bock – AYE)

Notice of Intent

0 Black Point Road – Cedar Cove LLC (Applicant) – Construction of four homes on four separate lots - (Continued from June 11, 2020) Stephen Balcewicz from B.C. Engineering & Survey, Inc. is present to review plans and the project. Ms. Overholt shared the latest plans on the screen. They were revised on June 25, 2020. There are 2 charts with the Zoning regulations. There are 10 scale drawings for the Board. The dwellings and driveways square footage are in regulation. Other table is remaining ground cover. The wall behind the lot was curved to make more area.

Mr. Wigglesworth asked about construction phasing and they should prepare one or two lots at a time, rather than stripping the whole area at once. Mr. Balcewicz states they would like to work on the whole area at once. The erosion controls are already in place. Mr. Balcewicz comments that the lots are currently a dumping ground. There are tires, barrels, concrete and garbage. They can dig a trench with straw bales and silt fence. The itemized proposed construction sequence is stated on the plan. They are going to be adding fill, not removing it. It is in a depressed area. All debris and stumps would be removed before filling. They can cut the area to be filled, remove the debris, have an access roadway on lot 85, put a dumpster there and remove it. The work will be done moving north from lot 85 to lot 88. The board would like some trees kept for stabilization until they are ready to build on the next lot. Mr. Balcewicz states that it is problematic to fill around trees. He has to consider good construction management. It is best to clear everything, but the area near the water which will remain vegetated. Mr. Wigglesworth states that the soil is mostly sand in that area and that they should also use a filter sock along the wetland side instead of a wattle for extra protection. They will also use the woodchips for filtration. Mr. Brown suggests secondary silt sacks as an extra guard between the foundations. There is a

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note on the plan regarding a catch basin. If it is less than 100 feet from the resource there will be a silt sack installed. There is a 5 foot elevation change between the houses. They can place secondary silt sacks as an extra precaution.

Permanent wetland conservation signs will be placed in the back. There will be 5 signs; one between each home and on the property line. On top of the wall there will be a fence; the height will be per the building code. Ms. Overholt would like the limit of work marked in the back so the contractor is aware of it. Mike Hopkins is also on call and he spoke with building inspector and there deep holes on the site. He has to use machinery around the site to clean it out and will grade each one of the lots according to the plan.

Carolyn Sedor, audience member is concerned about large houses on small lots and the impact to the vegetation in that area. Mr. Wigglesworth states it is almost 1:1 replacement of vegetation. Some vegetation will be kept during construction process to help prevent erosion. Mr. Hopkins states they would only remove and cut what needs to be cut. Construction road is from Jackson to lot 85 so they won't be up and down the road. Susan Sedor, audience member, submitted a letter to the Board. She has questions about the lot and the address. It is out of the realm of the Conservation Commission. Mr. Hopkins spoke with the Town Assessor, Marc Becker. Ms. Sedor states Black Point road is misleading. Ms. Overholt states that we can also reference Colonial Road on the Order of Conditions.

The Town Engineer reviewed the project in April. Mr. Hopkins also spoke to the Town Planner, Ann Morgan. She reviewed the project and determined that a special permit is not needed. The Town Engineer does not need to review the project again unless a special permit is required. Susan Sedor asks about the amount of fill. They are not filling the wetland. Carolyn Sedor asks about the Conservation signs and Mr. Wigglesworth explains that they are in perpetuity and attached to deed. When the property is purchased the new owners know there is a wetland there. The signs will be on top of the wall. No further comments.

Mr. Brown motion to close the public hearing. Mr. Duteau second. Vote 5-1 by roll call (Mr. Wigglesworth - Abstain; Ms. Sherillo -AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE) The Board will discuss the special conditions later in the meeting. Ms. Sherillo motion to issue the Order of Conditions for Lots 85, 86, 87, and 88 Black Point Road. Mr. Brown second. Vote 6-1 by roll call (Mr. Wigglesworth - Abstain; Ms. Sherillo -AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE)

Request for Determination of Applicability

32 Jackson Road – Cedar Cove LLC (Applicant) – Approval of a dock for Chapter 91 permit –
(Continued from June 11, 2020) Stephen Balcewicz from B.C. Engineering & Survey, Inc. is representing the applicant. The total distance to the island is 213 feet. The land to the island is 24 - 20 feet. The total distance is 250 feet. The end of dock is 213 feet. Ms. Sherillo has a question on profile view. The plan shows 48 feet from the cinder block to the end of dock. The length of middle piece is 48 feet long and the plan will be labeled before submitting it to the State. Mike Hopkins asks about the docks and registration numbers. Is everyone required to register docks or is this process only for new applications? Mr. Wigglesworth explains that it is required with new applications, and existing docks are also required to be registered. The Commission may send out a mailing regarding dock permitting at a later time. The State gives the final approval on the docks and the Commission is just making sure the application is correct. Comments regarding the dock can be submitted to the State. Photos of the

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peninsula were submitted before the meeting and the Commission will review them. There are no further comments from the Commissioners. Mr. Duteau motion for Negative Determination of Applicability for 32 Jackson Road residential dock with the current dimensions. Mr. Bock second. Vote 6-1 by roll call (Mr. Wigglesworth - Abstain; Ms. Sherillo - AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE)

9 Loveland Road – Stanley Ciesla (Applicant/Owner) - Approval of a dock for Chapter 91 permit – *(Continued from June 11, 2020)* Stephen Balcewicz from B.C. Engineering & Survey, Inc. is representing the applicant, Stan Ciesla. The dock is 480 square feet and has 5 sections. It is 40 feet across. There is an abutter on one side and they are more than 20 feet from them. Ms. Sherillo states that if there is a boat lift it needs to be considered in the plan. They don't need it for this plan. It counts for the square footage dimensions. Mr. Bock motion for Negative Determination of Applicability for the residential dock at 9 Loveland Road with the current dimensions. Mr. Brown second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo - AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE)

17 Mark Ave – Evan Banks (Applicant/Owner) – Removal of 5 trees. Ms. Overholt visited the site. The maple tree is unhealthy. There is another large tree that is leaning. There is a large number of trees on the lot; they may not need to plant more. There is a lot of ground cover and shrubs elsewhere on the property. There is no further discussion. Ms. Sherillo motion for negative Determination with the removal of 5 trees and stumps to remain. They will grind the stumps in the front. Mr. Duteau second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo - AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE)

17 Browns Brook – Damaris Mercedes (Applicant/Owner) – Reinforce deck. Mr. Wigglesworth visited the site. Their original sonotubes are worn. There was an Emergency Certification issued and they were asked to file a RDA for the work to be done. Ms. Overholt shared the photos on the screen from April 13th. Everything was hand dug. The deck is one piece. They need to make sure it is stabilized. The proximity to the brook is discussed. The applicant may wish to do more work. Mr. Brown motion to continue to the next meeting on July 6, 2020. Mr. Bock second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo - AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE)

70 Bates Point Road – Hadeer Shakhily (Applicant/Owner) – Repair of a retaining wall. The Applicant is not present to discuss the project. The existing retaining wall buckled and there is a large crack. It is leaning towards the Lake. The contractor will fix it all by hand. The wall will be the same shape and size. This work should be done closer to fall when the water is lower. A coffer dam or sandbags can be used. Mr. Wigglesworth suggests a stress reliever in the wall. Ms. Sherillo motion to continue to the next meeting on July 6, 2020. Mr. Brown second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo - AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE)

334 Killdeer Road – David Fafard (Applicant/Owner) – Widen driveway, repair retaining wall and install plantings. The applicant is not present at this time. This item will be addressed later in the meeting.

51 Colonial Road – William Stamper and Cynthia Bishop (Applicants/Owners) - Remove arbor vitae hedge and replace with hemlock. Mr. Stamper is present to discuss the project. The arbor vitae

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crosses the neighbor's property line, and the neighbor has given permission for it to be removed. The hemlock will be planted about 5 or 6 feet apart. Mr. Duteau motion for negative Determination on the replacement of the arbor vitae with hemlock at 51 Colonial Road. Ms. Sherillo second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo -AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE)

The Board takes a brief recess from 7:43 - 7:15.

Notice of Intent

49 Wakefield Ave - Chad Corporale (Applicant/Owner) Construction of a garage and second story addition - Continued from June 1, 2020 - The owner and applicant, Chad Corporale is present to discuss this project. Runoff and the use of rain barrels was discussed at the site visit. The owner and the Commission discuss future projects. The retaining wall needs repair and would need an engineer and they also need an amendment for any additional work. Pervious pavers could be used in the walkway to increase pervious area as there is a lot of concrete on the property. Materials for the deck must be cut in the driveway, with a vacuum saw, away from the resource area. Stormwater is discussed. Mr. Bock gives recommendations for culvert size of 2'x40' under the pavers and 40 cubic feet of recharge. They should take out the concrete walkway and use crushed stone and pervious pavers there. The neighbor's yard is 3 feet lower. For the rain barrel size, 50 gallons is approximately 5 cubic feet. They could plant a small rain garden in the front. Their well is in the front of the house. A rain garden would perc in 24 hours. A French drain can be installed in front of the garage, with a gutter downspout into the drain. Ms. Overholt commented on the trees. They are on the neighbor's property. The trees are leaning and causing cracks in the wall. Mr. Corporale will discuss the trees with the neighbor. There are no further questions.

Ms. Sherillo motion to close the public hearing. Mr. Brown second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo -AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE). Motion to issue the Order of Conditions for 49 Wakefield Ave. including the Chapter 91 for the dock. Ms. Sherillo second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo -AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE). Mr. Corporale will speak with the Building Commissioner regarding the well and let Ms. Overholt know. This Order of Conditions is only for the approved projects discussed. Future work will require another filing.

61, 67-69 Cudworth Road - NU Auto Auction Realty, LLC (Applicant/Owner) - Construct a 669 space vehicle storage lot - (Continued from June 11, 2020) - The applicant requested a continuance for this hearing. Ms. Sherillo motion for continuance to July 6, 2020. Mr. Brown second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo -AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE).

25 Point Pleasant - Ronald Fields, RFBF, LLC (Applicant/Owner) - Construction of a single family home - The applicant requested a continuance for this hearing. Ms. Sherillo motion for continuance to July 6, 2020. Mr. Duteau second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo -AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE).

54 Killdeer Road - Joseph Simonelli (Owner) Construction of a single family home - Mr. Wigglesworth opens the public hearing. Stephen Balcewicz from B.C. Engineering and Survey, Inc. is

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representing the owner. He reviews the plan for the Commission. The existing and proposed house is shown on the plan. They are pulling the new house away from the water. The concrete patio will be removed. They are proposing bituminous concrete. The site has Town water and Town sewer. There is minimal grading towards the water. The garage, pavement and patio on the north side will remain. The driveway will also stay the same. There are some trees in the area and the roots might be damaged by the work. There is a maple tree and a diseased hemlock to be removed. Mr. Brown mentioned that there is a propane tank underground, behind the garage. Mr. Balcewicz will use Dig Safe and the gas provider to locate the tank. One large tree near the patio will be removed and some outside of the buffer zone to be removed. They will replace the stairs in back to the water in the future. Mr. Duteau asks about the irregular roofline. Will there be gutters going to the culverts? There are gutters and a swale behind the garage to catch more water and direct it away from the wetlands. The side closest to the garage will have downspouts. There are no comments from the audience and no further questions from the Commission.

Mr. Duteau motion to close the public hearing. Mr. Bock second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo - AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE). Mr. Duteau motion to issue the Order of Conditions for 54 Killdeer Road. Mr. Brown second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo - AYE; Mr. Duteau - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Ms. Johnson - AYE; Mr. Brown - AYE). Conditions are to include making sure that the underground propane tank is removed, erosion controls in place and Chapter 91 permit for the dock.

334 Killdeer Road. Mr. Brown motion to continue the public meeting to July 6, 2020 because there is no representative present to discuss the project. Ms. Sherillo second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo - AYE; Mr. Duteau - AYE; Ms. Johnson - AYE; Mr. Bock - AYE; Ms. Jewell - AYE; Mr. Brown - AYE).

Discussion

2 Checkerberry Island Enforcement – They are planting trees, removing some of the gravel and adding more lawn. The area is stabilized, loamed and seeded, and the wattles are still up. They have 6 red cedar trees to plant. The pads will be on stone. The embankment will be loamed and seeded. They will have 2 parking spaces on the side of the building. Debris has been removed. Plantings were recommended – milkweeds, black-eyed Susans, and swamp azaleas. They will apply for a certificate of compliance. The house will be removed later on another Notice of Intent.

Ms. Overholt reviews the Agent Report – 55 Birch Island has a failing retaining wall. Ms. Overholt will recommend a jute cloth and additional wattle at the bottom. The owners are in the white house across the street.

Any suggestions that the Commissioners have regarding the conditions for the lots at 0 Black Point Road can be emailed to Ms. Overholt.

Ms. Jewell left the meeting at this time.

0 Wakefield – There are stakes for the cedar trees. The house is 3 feet from the corner to the erosion control line. There are two dead trees from the original planting. Mr. Duteau comments that the propane tanks are not in a good location. The Commission should place a sign or marker on the abutting Town property.

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Ms. Sherillo would like 0 Lower Gore Road placed on a future agenda for discussion. There should be “No Dumping” signs there. There should also be some on Applebee Ave.

July 20, 2020 will be the first in person meeting of the Conservation Commission since the COVID-19 public emergency. Commissioners can email Ms. Overholt if they have any concerns.

Ms. Sherillo motion to adjourn at 9:39 p.m. Mr. Brown second. Vote all in favor by roll call (Mr. Wigglesworth - AYE; Ms. Sherillo –AYE; Mr. Duteau – AYE; Mr. Bock – AYE; Ms. Jewell – AYE; Mr. Brown – AYE).

Documents:

0 Black Point Road lots 85, 86, 87, 88 – Site Improvement Plan Lots #85, 86, 87 & 88 Black Point Road, B.C. Engineering & Survey Inc., March 10, 2020 and revised through June 25, 2020, 24” x 36”, 4 sheets.

49 Wakefield Ave. – Plan for 49 Wakefield Ave., received March 12, 2020, 11”x17”, 1 sheet.

54 Killdeer Road – Site Improvement Plan 54 Killdeer Road, B.C. Engineering & Survey Inc., September 28, 2018, 24” x 36”, 3 sheets.

All documents associated with these files can be found in the Office of the Conservation Department.

Next Meeting Date: June 11, 2020 – Location to be determined.

Respectfully submitted,

Kelly Gorham
Clerk for the Conservation Agent

Conservation Commission Approval: _____ Date: _____
Chairman