

**Town of Webster  
Conservation Commission  
Minutes of the Meeting – July 6, 2020**

A meeting of the Conservation Commission was held on Monday July 6, 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

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

Absent – Daniel Duteau

Meeting called to order: 5:30 p.m.

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

**Request for Determination of Applicability**

**56 Laurelwood Drive – Jeffrey Koloski (Applicant) – Reinforce and repair a stairway** – There is a foundation underneath the stairway that is not solid and needs to be repaired for safety. Vegetation will not be removed. The base is shifting. They may need cement and a couple rocks. A sono tube will be used for footing. A silt fence is not needed for this project. Ms. Sherillo motion for negative determination for 56 Laurelwood Drive. Ms. Johnson second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

**59 Lower Gore Road – Charles Meagher, Robert G. Murphy & Associates Inc. (Applicant) – Determine the wetland line** – The applicant requested a continuance. Ms. Sherillo motion to continue the next meeting on July 20, 2020. Ms. Johnson second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

**24 Pattison Road – Thomas Murray (Applicant) – Construction of steps near the retaining wall** – Ms. Overholt shared photos of the site on screen. They are building 5 steps. They have hired an engineer for the project. They will have to dig back towards the house and the fill will be taken away. Erosion controls will be a silt fence and a straw wattle at the beach. They will be digging by hand. They may need to bring stairs in with a fork lift. A spill kit is needed if machinery is used. Ms. Sherillo motion for negative determination with the addition of best practices, a spill kit on site, straw wattle and to remove the stock pile. Mr. Brown second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

**100 Lakeside Ave – Angelo Spetseris (Applicant) – Remove and replace 8 trees and install a dock** – Stephen Balcewicz from B.C. Engineering and Survey, Inc. is representing the applicant. The 8 large pine trees to be removed are shown on the plan. They are marked on the site. The wetland line is also on the plan. Wattles and silt fence will be used at the limit of work. There is a turbidity curtain in the water. Stumps will be ground. They will be replacing the trees with 2 inch caliper trees; 4 maple trees and 4 white birch trees. The docks are also on the plan. They are 120 square feet. Chapter 91 applications have been submitted to the state. Ms. Sherillo states that only one dock would be allowed by the state. They

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can submit the forms and leave that up to the state's decision. Ms. Overholt doesn't think a turbidity curtain is necessary. Mr. Brown motion for negative determination for 100 Lakeside Ave. Ms. Johnson second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

**17 Browns Brook Road – Damaris Mercedes (Applicant) – Reinforce a deck** – *(Continued from June 29, 2020)* – The applicant is present to discuss the project. Mr. Wigglesworth met with her in March. The site looks good. They need to make sure to keep the smaller stones out of the brook. The cinder block has been moved. The walkway was not included on the original RDA but can be added. The area is stabilized and looks good. Mr. Brown motion for negative determination at 17 Browns Brook Road. Ms. Sherillo second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

**70 Bates Point Road – Hadeer Shaikhly (Applicant) – Repair of a retaining wall** - *(Continued from June 29, 2020)* – The applicant would like to hold off on this project until they can secure a contractor. Ms. Johnson motion to continue to the next meeting on July 20, 2020.

**334 Killdeer Road – David Fafard (Applicant) – Widen driveway, repair retaining wall, and install plantings.** - *(Continued from June 29, 2020)* – This item will be taken up later in the meeting. There is no one present to discuss the project at this time.

**Notice of Intent**

**67 Colonial Road – David Arnold (Owner), Ryan Paquette, Paquette Design Corp. (Applicant) – Install patio, plantings, and lawn** – Chairman Wigglesworth opens the public hearing. Photos of the site are shared on the screen. They are adding 2 retaining walls. The height from the water to the asphalt is about 110 inches. There will be grading so the area with the patio is flatter. A planting bed will be added. There is some Japanese knotweed there that should be removed. There are some tree stumps there that will be left for stabilization. There is 3 feet of elevation and they would like to bring the soil down to expose more of the wall. There is mulch and sand there now. Mr. Wigglesworth recommends plantings instead of grading. The mulch should be removed to keep it out of the Lake. Mr. Wigglesworth recommends native plants such as button bush, low bush blueberry and ground junipers. They will be bringing in fill for the grass area and machinery will be used. Pervious pavers are recommended. They can install a river stone swale near the lower wall, approximately 30 feet long and 4-5 feet wide. They can pitch the patio so the water goes into the swale and it will work as a drywell. The stones at the end of the swale should be larger so they don't get swept out into the Lake. The wall is about 5 feet from the water's edge and needs to be at least 10 feet back. They are replacing the stairs, in the same location, with granite. There will be more stairs on the hillside. There will be little disturbance. There are arbor vitae on the property line and Mr. Wigglesworth recommends red cedar or native plants for a privacy buffer between the homes.

The Chairman opens the hearing for public comment. Lois Foshay asks if there will be a new dock. There are no survey markers on the site. She is concerned about blocking the cove. Mr. Paquette states there is surveyors tape there and the property lines were surveyed. There is also a metal pin. Mr. Wigglesworth asks Ms. Overholt to check the markers before work begins. They are also applying for a Chapter 91 permit for the dock. Ms. Sherillo motion to close the public hearing. Mr. Brown second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE). The conditions should include that the patio

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needs to be 3 inches below the retaining wall and that the patio is pitched towards the swale. A turbidity curtain is needed where work is being done. Mr. Brown motion to issue the Order of Conditions for 67 Colonial Road. Ms. Johnson second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

**Request for Determination of Applicability**

**334 Killdeer Road – David Fafard (Applicant) – Widen driveway, repair retaining wall, and install plantings.** - *(Continued from June 29, 2020)* Mr. Fafard is present to discuss the project. They would like to start this project in the fall. Concrete blocks will be used for the wall. There will be a paver walkway and driveway will be asphalt. Plantings will go along the slope. There is mountain laurel there now and they may add some more. Ms. Sherillo asks how close the wall is to the water. There is a flat lawn area in front of that area. The applicant will provide a planting plan to the Board before work begins. Ms. Sherillo motion for negative determination on 334 Killdeer Road. Mr. Bock second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

**Discussion**

190 Killdeer Road – Requirements for Certificate of Compliance – Mr. Vacovec is present. The project was started for the garage and decking in 2017. In 2018, the tree cutting and garage construction began. At the end of 2018, the Agent did inspections and a few things needed to be done. An as-built was needed for the impervious calculations. They re-hired the engineer and the impervious percentage fell within the requirements. They failed to notify the Commission regarding the driveway and wall extension. The wall was on the plan, but they chose not to extend the wall. The issues were discussed in 2018. The Commission felt this work should have been an Amendment to the Order of Conditions after the fact. Ms. Overholt states that the area is stable now. The wall was proposed, but not built. Ms. Overholt does not see any other issues. Ms. Sherillo motion to rescind the fine. Mr. Bock second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE). Mr. Brown motion to issue the Certificate of Compliance. Ms. Johnson second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

62 Union Point – Extension – The applicant Matt Zicaro would like to extend the permit for 62 Union Point Road. They have removed the pea stone from the section requested by the Commission. They have also replaced the retaining wall, and demolished the house and garage. They are looking to build the new house now. The house was phase 2 of the project. The plans have not changed. There are no questions from the Board. The permit would be extended for 3 more years. Ms. Overholt will need to do the preconstruction meeting and erosion control inspection before the next phase of construction begins. Ms. Johnson motion to extend the permit for 62 Union Point Road. Mr. Brown second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

0 Black Point Road – Mike Hopkins is present for this discussion. Ms. Overholt received a call that work had started before they received the Order of Conditions. Work cannot be done without a valid permit recorded at the DEP. There is an \$800.00 fine for working without a permit. The conditions were not discussed at the last meeting because the meeting ran late. Docks should be kept small for these lots. The erosion controls were already installed, but not at the limit of work. They still need a preconstruction

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meeting with the Conservation Agent. Mr. Hopkins spoke with the Building Commissioner and he said they could proceed. DEP numbers for the lots were received in March. They do not have a building permit yet but wanted to start on the construction entrance. The tree people had to work because they couldn't come back for 6 weeks. Ms. Overholt stated that the Building Commissioner has no authority over the Conservation Commission. Dr. Jewell stated the Commission does not want to keep anyone from making a living and would like better relations with the builders. Mr. Hopkins would like the Order of Conditions so he can start the work. The Commission will waive the fine. Ms. Overholt states that the issue date on the Order of Conditions is the date it is printed and cannot be back-dated. The Commission has 21 days to issue an Order of Conditions. The appeal date starts the day the after the conditions are received. The conditions can be ready by noon tomorrow. They have not done any more work since the stop work order was issued. Mr. Wigglesworth states that this public hearing is closed and no further public comment is allowed. Dr. Jewell motion to lift the Enforcement Order. Ms. Johnson second. Vote 6-1 by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – Abstain; Mr. Brown – AYE).

Ms. Overholt reminds the Commissioners to take the Conflict of Interest and Open Meeting Law trainings and return certificates of completion.

There was a complaint regarding the docks near Cedar Point being on state owned land. The Commission does not allow docks on state land. They do not have jurisdiction and it should be reported to DEP. There may be a dispute about the property line in this area.

Mr. Brown motion to adjourn at 8:29 p.m. Ms. Johnson second. Vote all in favor by roll call (Mr. Wigglesworth – AYE; Ms. Sherillo – AYE; Dr. Jewell – AYE; Ms. Johnson – AYE; Mr. Bock – AYE; Mr. Brown – AYE).

**Documents:**

67 Colonial Road – Hand Drawn Plan, dated June 17, 2020, 8 ½”x 11”, 1 page.

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

**Next Meeting Date: July 20, 2020** – Location to be determined.

Respectfully submitted,

Kelly Gorham  
Clerk for the Conservation Agent

Conservation Commission Approval: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairman