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Town of Webster
Conservation Commission
Minutes of the Meeting – July 27, 2020

A meeting of the Conservation Commission was held on Monday July 27, 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, Hayden Brown, Dan Duteau, Fred Bock

Absent: Klarissa Johnson, Robin Jewell

Staff –Mary Overholt, Conservation Agent,

Meeting called to order: 5:37 p.m.

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

59 Lower Gore Rd. – Robert Murphy was representing the applicant. Mr. Wigglesworth recuses himself because conflict of interest. Mr. Murphy explained that the Wetlands were flagged with the intent to develop as house lots. The wetland delineation was enlarged to include an area of royal fern. A portion of the property is natural heritage. They will probably try to do a crossing for the houses at the narrow area of the wetland. If a common driveway is allowed no wetland crossing would be required at all. Right now it is two lots, he would have to have the required frontage if he decided to subdivide. Lot 1 is 8.38 acres and lot 2 8.35 acres. About 30% of the land is wetland. They could potentially have 4 lots. Planning and zoning would have to determine this. Mr. Bock motion to issue a positive determination of applicability with the approval of the wetland line. Mr. Duteau second. Vote four in favor by roll call (Mr. Duteau – AYE; Mr. Bock – AYE; Ms. Sherillo – AYE; Mr. Brown – AYE;
Mr. Wigglesworth - ABSTAIN)

61 Wakefield – Certificate of Compliance for DEP # 323-553 This is from an old Order of Conditions from 2000 This project was for the construction of several small additions and fixing steps in a retaining wall There was an amendment for a boulder embankment in 2002. All of the work is complete and every things looks well done. Mr. Duteau motion to issue a Certificate of Compliance. Ms. Sherillo second. Vote all in favor by roll call (Mr. Duteau – AYE; Mr. Bock – AYE; Ms. Sherillo – AYE; Mr. Brown – AYE; Mr. Wigglesworth - AYE)

39 Colonial Rd. COC - This Order of Conditions was for the construction of a house from 2014. There is an extra paver patio, which was not on the original plans. This project was permitted before the Commission required impervious calculations. There is a gutter draining onto the patio and flowing across the grass. The gutter, is probably okay. Ms. Sherillo thinks that he should get a permit for the lower patio area. Mr. Bock notes that at the time, the commission probably would have permitted it. Mr. Wigglesworth says the Commission should send a letter that the lower patio was paved and was not supposed to be. Any changes you make you have to partner with the Commission. The letter should highlight the changes that he should have made. The lawn strip would have helped with the drainage. The retaining walls were changed as well. He could install a drywell where that gutter empties onto the lawn. Mr. Bock notes that it would have to be sized correctly. They would need 6-7 Cu ft. of drywell there to handle it properly. Mr. Brown suggested he should install a drain and the letter should go with some education. Mr. Bock motion to write letter and ask to build drywell. Ms. Sherillo second. Vote all

in favor by roll call (Mr. Duteau – AYE; Mr. Bock – AYE; Ms. Sherillo – AYE; Mr. Brown – AYE; Mr. Wigglesworth - AYE)

31 Hall Rd. – Request for Certificate of Compliance. The applicant had been requested to lower the level of the gravel to 3" below the top of the retaining wall. The applicant had placed 4 by 4s on top of the retaining wall. The Commission was concerned because they look temporary. They suggest drilling holes and drive those 4 by 4s in. The gravel all along the shore was there before this project. A layer of capstones could also be installed on the retaining wall instead of the wood. They way the wood is now it could be removed immediately. The wood needs to be anchored. Mr. Brown motion to contact the applicant and request to either to anchor the wood or install capstones. Mr. Duteau second. Vote all in favor by roll call (Mr. Duteau – AYE; Mr. Bock – AYE; Ms. Sherillo – AYE; Mr. Brown – AYE; Mr. Wigglesworth - AYE)

30 S. Point Rd. – Request for Certificate of Compliance. They applicant and the Commission had gone back and forth several times on how to deal with the steep slope through e-mail. The applicant had originally suggested a geogrid, which would have held the slope, but was a plastic material. The Commission preferred jute cloth, but the applicant thought it needed something more. They ended up putting rip rap on the slope. Trees that were part of the NOI are not removed yet. Mr. Wigglesworth requested that they pop in a few more plantings on the bank. Ms. Sherillo motion to hold issuing a COC until the trees are removed. Mr. Brown second. Vote all in favor by roll call (Mr. Duteau – AYE; Mr. Bock – AYE; Ms. Sherillo – AYE; Mr. Brown – AYE; Mr. Wigglesworth - AYE)

Black Point Rd. Boat and Dock situation - Laura Quail is present to discuss the situation. Ms. Lloyd was supposed to remove the old docks, but they did not remove everything. Ms. Quail notes that they could not put their boat in near their dock because it was overgrown. So they put it near Ms. Lloyd's dock. If we get the boat off of her wood, would that be okay? The Commission notes that all of the homeowners should get Chapt. 91 permits. The Quails should get a permit for where their dock currently is. They should not try and move the dock to a different site. Nothing can happen in the cove for weed control, it would have to go through the conservation commission. Any dredging would incur fines. Is there something to do to get the boat in and out of the path. Ms. Quail asks "The boat is new what should they do with the boat?" Mr. Wigglesworth notes that is would be best to park it at someone else's dock where you have permission. They will work on their Chapt. 91 permit.

Ms. Sherillo motion to allow Ms. Overholt to sign for commissioners on documents that require signatures such as Orders of Conditions and Certificates of Compliance. Mr. Brown second. Vote all in favor by roll call (Mr. Duteau – AYE; Mr. Bock – AYE; Ms. Sherillo – AYE; Mr. Brown – AYE; Mr. Wigglesworth - AYE) This vote will be recorded at the Registry and noted on all of the documents.

33 Loveland Rd. – Mr. Wigglesworth read from CMR 10 in response to the e-mail from Ms. Godzik and Ms. Arsenault. "No person shall remove fill dredge or alter any bank wetland etc….. quoting MGL unless you have an exemption. Without filing written notice of this intention including plans without receiving or complying an OOC. Don't alter wetlands without a valid permit. Under alter the subject activities includes, cutting trees and shrubs, grading, sheds, etc.. blocked stream channels. These are work activities that must be permitted." This is on the record and explains our role as conservation commission. The residents of 33 Loveland have put loam and seed, they have removed a lot of shrubs and cleared the area. They were issued a stop work order. They sent a letter to BOS, saying they are immune compromised. Their letter mentions that they did not use loam, we were not doing construction, couldn't find anything on your website. They removed accumulated dead branches and removed

invasive species. They state they are maintaining their grass cover and reseeding with topsoil were needed to do this. They planted several blueberry bushes, replaced birch trees have died. They list source documents. They state they did not perform any type of construction and they did not alter their land. They state they simply performed maintenance. They ask the Commission to please supply in writing your reasons for the stop work order. Mr. Wigglesworth responds to these statements saying that we discussed this with you last year. These will be considered alterations, They have cut items, they said they replaced tops soil, which is considered filling. #5 planted natural blueberry bushes, and natural birches. The removal of trees needs some sort of permit. Mr. Wigglesworth noted that he did not see blueberry bushes there. The civil matter between Mr. Kirsch has nothing to do with what our body does. We received several calls about what was going on this property. People also called the state to complain. We reacted with a stop work, because of alterations, filling and cutting. Mr. Wigglesworth asks if the board has comments. Ms. Sherillo notes that "We should make it quite clear that the work took place across the street. There was definitely an alteration. Do we issue an enforcement? Ms. Sherillo states yes. Mr. Bock notes that we should include that they changed the grade of the property because of the loam and determine the alteration and the sq. footage of the alteration. Mr. Wigglesworth mentions that there still an enforcement order on unbuilt shed and flower boxes. They need to be held accountable just like everyone else. The state will be expecting an Enforcement Order. There needs to be corrective action. Ms.Sherillo says it is a sound plan to write a detailed enforcement order. We can also consider fines, but it would have to be a separate action. Write up findings and add to the Enforcement Order. They could have come to tonight's meeting because it is virtual but they did not. The area should be returned to their natural state. Loam and grading, alteration to the bank. Mr. Wigglesworth had asked about litter and branches thrown into the swamp and he told them to leave, because it might cause more destruction. Check camera for pictures from last June. Ms. Sherillo motion to issue an Enforcement Order on Loveland rd. for the above discussed alteration. Mr. Brown second. 2. Vote all in favor by roll call (Mr. Duteau – AYE; Mr. Bock – AYE; Ms. Sherillo – AYE; Mr. Brown – AYE; Mr. Wigglesworth - AYE)

Bylaw working group – Ms. Sherillo, Mr. Wigglesworth and Dr. Jewell are interested in being on a bylaw working group. Dr. Jewell wants to bridge the gap between other organizations in town. There can be no more than 3 because of quorum. A second group could be created to do brainstorming.

Fish and Game – They mowing areas that they should not be mowing in the disk golf area. It could interfere with turtles etc. They should put up stakes to designate the mowing area. We should set up a site visit. Mr. Wigglesworth would go. Ms. Sherillo would like to go as well, Ms. Overholt should contact them.

Klebert Ave. & Lake Parkway- Mr. Wigglesworth notes that the state has begun work, and it does not look pretty. It literally looks like a tornado came through and put in wetlands. Mary will try to communicate with someone from the state. Erosions controls should go up sooner rather than later. Mr. Brown thought is was a disaster.

Ms. Sherillo motion to adjourn. Mr. Duteau second. Vote all in favor.

Next Meeting Date: Aug. 3 – Remote meeting

Webster Conservation Commission
Meeting Minutes of July 27, 2020

Respectfully submitted,
Mary Overholt
Conservation Agent

Conservation Commission Approval: _____ Date: 9/4/2020
Chairman-