

**Town of Webster  
Conservation Commission  
Minutes of the Meeting – January 9, 2023**

A meeting of the Conservation Commission was held on January 9, 2023, in person at the Town of Webster Selectman Meeting Room.

**Attending:** Chairman, Joey Wigglesworth, Vice Chairwoman, Michelle Sherillo, Fred Bock, Karen Bartholomew (remote participation), Hayden Brown, Richard Parent, Dr. Robin Jewell

**Staff:** Dawn Portman, Conservation Agent  
Ann Morgan, Director of Planning & Economic Development  
Tracy Coporale, Recording Secretary

Meeting called to order: 5:46pm

**Public Hearings - Notice of Intent - NOI**

**46 West Point Road** – Repair of existing retaining wall – Jason Tubo (Applicant) (continued from 12/19/22). Mr. Wigglesworth recommends this be continued. Mr. Brown motions to continue 46 West Point Road to the February 6, 2023 meeting. Mr. Brock second. Motion passed unanimously 7-0 by roll call vote: Ms. Sherillo – AYE, Mr. Bock – AYE, Mr. Parent – AYE, Dr. Jewell – AYE, Ms. Bartholomew – AYE, Mr. Brown – AYE, Mr. Wigglesworth – AYE.

**Action Items**

**18 West Wind Drive** – Dock – Request for Modification DEP #323-1107 - Mark Gardell (Applicant) Mr. Gardell submitted plans for the dock, for the Board to review and make a decision in order to forward to Chapter 91. Showing the plan. The square footage of the dock is 556, this includes the jet ski float and the lift. There's 3ft of a sandy beach, natural shoreline. The retaining wall is 4ft. There's gangways on both sides with stairways. Property lines are labeled, 15ft on each side. There are two docks and the Board has some concerns. Mr. Gardell comments that the dock on the right is shallow, so they added a second one. Ms. Sherillo has concerns with Mr. Gardell having two docks due to it not being standard. Mr. Wigglesworth explains, it's not for the Commission to decide. The Commission's concerns are more with the shoreline and the disturbance or alteration that directly impacts the resource area. Mr. Gardell's two docks are existing and will be reviewed by Chapter 91. He has no plans to dig or alter. Ms. Bartholomew asks for the depths at the end and the beginning of the docks. She also has concerns about the two docks, regarding the coverage over the water and altering the light. Mr. Wigglesworth explains that he presented the same question to DEP and they advised him that the Conservation Commission doesn't need to discuss dock configuration and that is for the license permitting with Chapter 91. The Board feels that the question before them has to do with the wetlands. Mr. Bock asks, how long have the docks been in the water? Mr. Gardell says, for about 15 years. Mr. Bock comments that due to having two connecting points to the land, maybe putting the docks in a U-shape instead of having two connections on land would be better. The dock on the right is closest to the brook and is far enough away so not to disturb the brook. Ms. Bartholomew asks, isn't there twice as much coverage of wetlands? It will be the same whether he has one or two docks. Mr. Wigglesworth says, there's no additional disturbance to the land no matter how the docks are positioned, they are preexisting. It's for Chapter 91 division to decide. The Commission needs to determine what is the alteration at the shoreline? In this case there isn't any due to the docks preexisting. Ms. Sherillo disagrees, she wants to be clear, that what

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someone did 10 years ago doesn't impact their decision for the wetlands in the future. Mr. Brown asks, how are the docks attached to the bottom? They are aluminum docks. The Board advises Mr. Gardell that he will need a side view of the dock and dimensions to submit with his Chapter 91 application. The Commission will give input to Chapter 91, there could be some issues in the future as far as the distance of these docks. Mr. Brown asks for clarification; which dock has the boat lift attached? The one on the left. Mr. Wigglesworth explains to Mr. Gardell what he needs to show for the side view to submit to DEP. Mr. Gardell will submit the side view of the docks and the view for the boat lift as well. Mr. Gardell will take the paperwork to the Registry of Deeds. Ms. Bartholomew comments again on the two docks and she is concerned about the impact to the wetlands, the fish and the habitat, etc. She asks Mr. Wigglesworth what he meant by "the Commission's jurisdiction stops at the shoreline." Are you saying our opinion and jurisdiction doesn't go into the water and the impact to the livelihood of the water? Mr. Wigglesworth states, after the mean low water mark it becomes state jurisdiction. The Conservation Commission still has jurisdiction of land under water. However, the docks are access to the water and because of Chapter 91, which is an access law to a state body of water, the Commission loses jurisdiction. Ms. Bartholomew points out that the docks create shadows and shade and that effects land under water. Who is to say someone won't have four docks which will effect land under water multiplying that out is a deterioration to the lake. Mr. Wigglesworth explains that according to the state that isn't a major issue and it's not looked at as an alteration. Mr. Brown comments, whether it's a U-shape dock or two docks it's under the maximum square footage allowed and it is then up to the state to take issue with it. Ms. Bartholomew recommends that her comments, as well as any other comments, are put together to submit to DEP. Mr. Brown is still concerned about setting a precedent having two accesses at the shoreline. It's at two points for critters going under or over. Mr. Parent asks, is it better to have two impacts on the shoreline versus going out into the water a few feet? Mr. Bock agrees the effect on the shoreline may not be better to have one access point versus a U-shape. Mr. Wigglesworth reminds the Commission that this property owner built a new wall and brought that wall back about 4ft, which gave the lake some flood storage back. Mr. Bock motions to approve the Dock Modification of 18 West Wind Drive. Dr. Jewell second. Motion passed unanimously 7-0 by roll call vote: Ms. Sherillo – AYE, Mr. Bock – AYE, Mr. Parent – AYE, Dr. Jewell – AYE, Ms. Bartholomew – AYE, Mr. Brown – AYE, Mr. Wigglesworth – AYE.

If there are any comments from the Conservation Commission to the DEP they should be compiled into one document and the Board shall vote on the comments and concerns raised by the Commission, then the comments are submitted under the Conservation Commission as a whole. The comments/concerns will be sent to Dawn Portman, Conservation Agent, to prepare a summary for the Commission to vote on. Mr. Parent gave Mr. Gardell the information to utilize the simple form to file Chapter 91.

**Approval of Meeting Minutes**

Mr. Brown motions to approve meeting minutes of December 19, 2022, based upon adding the comments from Ms. Bartholomew per the recording. Ms. Sherillo second. Motion passed unanimously 7-0 by roll call vote: Ms. Sherillo – AYE, Mr. Bock – AYE, Mr. Parent – AYE, Dr. Jewell – AYE, Ms. Bartholomew – AYE, Mr. Brown – AYE, Mr. Wigglesworth – AYE.

**Draft Meeting Schedule 2023** – The commission reviewed the dates and made some changes. Ms. Sherillo motions to approve the schedule for 2023. Mr. Brown second. Motion passed unanimously 7-0 by roll call vote: Ms. Sherillo – AYE, Mr. Bock – AYE, Mr. Parent – AYE, Dr. Jewell – AYE, Ms. Bartholomew – AYE, Mr. Brown – AYE, Mr. Wigglesworth – AYE.

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**Elect a Clerk -** Ms. Bartholomew motions to elect to Dr. Robyn Jewell as the new clerk for the Conservation Commission. Mr. Bock second. Motion passed unanimously 7-0 by roll call vote: Ms. Sherillo – AYE, Mr. Bock – AYE, Mr. Parent – AYE, Dr. Jewell – AYE, Ms. Bartholomew – AYE, Mr. Brown – AYE, Mr. Wigglesworth – AYE.

**Old Business**

**0 Goddard Street, Lots 1 and 2 (also known as 25A and 25B Goddard Street);** Violation – DEP #323-1197 Elijah Ketola (Applicant); Construction of two single family houses.

Mr. Matt Morro is present to give an update. Mr. Morro submitted updated plans. The chambers are shown better on the plans now and they are going to flow in the best direction. The flared riprap ends are added out of the discharge lines from the roof drains, and a boulder barrier is at the bottom of the slope as a safety measure to keep vehicles out. Showing the current plan. The modified driveway is on the plan. Everything is in a current condition. The grading in the rear and the boulder wall has been surveyed. The placements of the units are surveyed. The proposed remedial action for the storm water and the stone barriers is also done. In addition, the red line overlay shows the unit locations that are in strict compliance with the order of conditions. The bollards around the fire hydrant didn't get installed yet, but they are drawn in and waiting for approval to do work again. There are no intentions of doing anymore grading at all. He will do more plantings and more ground cover in the spring, using the wetland seed and adding shrubs. The time frame on the plantings is as the weather gets nicer, approximately April 30, 2023. Mr. Wigglesworth asks, when will the roof run-off drain system and crushed pad be installed in the front? As soon as he has approval. Mr. Morro suggests the sooner the better. Would like to do get the drainage in, loomed, ready for seeding, and keep the erosion protection in. Ms. Sherillo asks, how will this land be stabilized? Mr. Morro suggests that if it's loamed, it will stay stable. He could also spread hay over the loam or juke netting. Obviously they cannot seed in the winter. Mr. Wigglesworth asks Mr. Morro if he will monitor this property and be sure it won't become a mud bowl? Yes. Mr. Wigglesworth also asks; how far down will they have to dig in the front yard? Mr. Morro says, the area has already been dug out due to the utility work. It's no issue. Mr. Parent asks, will the signage to be provided? And suggests a punch-list be provided for this project. What are those white pipes that look like they come from the foundation? The property photos don't show anything as far as what he is asking for. Mr. Morro believes they are foundation drains. Mr. Parent doesn't believe they are talking about the same pipes. There is nothing in the photos to help answer this. They will also have the energy dissipater pads on them. Mr. Morro is to ask Mr. Tetreault, Building Inspector if the roof drain can tie into the footing drain. Mr. Wigglesworth explains that there are some post holes dug that may look like drains. There's no problem with excavating and back filling it and prepping for the spring, as long as it's monitored and surrounded by silt fence and adding a juke cloth as well. The front is the messy area. The back is questionable due to water running between the properties. A chamber will work, if there is any. They will start on the chambers next week, as long as it's stable. They will install the bollards before the chambers and send pictures to Ms. Portman. Mr. Morro will stay on top of the monitoring weekly. The chambers to be installed with a walk berm with erosion controls set up, wattles. When does he plan on installing gutters? He should install them after checking with Mr. Tetreault if it's okay to connect the roof run-off to the footing drains. What will take place for the wetlands? Mr. Brown asks both roof drains will tie in? Correct? Yes. April 30<sup>th</sup> for plantings. Mr. Wigglesworth suggests to Mr. Morro to be sure the silt fence is upright and not laying down. Mr. Parent asks if there's any specific position for the granite bollards? There are two bollards to protect the hydrant, but won't obstruct the hydrant. Mr. Morro to notify Chief Hickey regarding the bollards installation around the hydrant. He will also install four placards in the

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wetlands on metal posts. Mr. Morro will submit a punch-list to Ms. Portman and to the Conservation Commission for approval.

**137 Gore Road** – Construction of a trench – Stop Work Order – Mr. Mike Laramé (Owner). This property is formally known as Twisted Piston. Mr. Laramé has been cleaning up and repairing the building to make it usable. He dug a trench for his roof drains to flow into the brook. Mr. Laramé felt draining the roof run off into the brook was a better option than the rain washing the silt, chemicals, and anything else, into the street and across the street into the lake. The Conservation Commission placed a stop work order. During the site visit there was a smell of fuel on the property. In the past there has been fuel dumped there. The trench was dug behind the building within 4ft of the building. Showing photos. Mr. Wigglesworth contacted the emergency hazards line and spoke with Dino. He advised Mr. Laramé to have a spill kit and straw wattles on the property. To date; everything has held together. The smell of oil is still there. The stream is flowing good with no impact. Everything is covered. Mr. Laramé hired an LSP to take samples of the site. It should take 7-10 days to get them back and he doesn't feel there will be a problem. There were two trailers removed from the property and there was some surface oil on the ground which they removed. Everything is stopped until the samples are received and examined. Dino from DEP will be in touch. DEP may ask for more clean up to be done. Mr. Laramé would like to grade the back and put crushed stone to improve the property. Mr. Wigglesworth will work with Mr. Laramé on this in the near future. Mr. Wigglesworth asks, how will the snow removal be done? Mr. Laramé replies that everything in the front will be pushed to the right of the building away from the brook and he will be sure nothing is pushed towards the brook. Once the soil tests come back they will move forward and once Mr. Laramé hears from DEP he will notify the Commission. Mr. Laramé needs to dig a trench for the electric service from the pole on the street about 10ft to the building to have electricity installed. Mr. Bock asks, where is that pole located? It's about 10ft to the left of the building. Mr. Parent asks about the soil in that area. The soil should be fine. An administrative approval can be given for this work. Mr. Laramé needs to notify Mr. Tetreault to see what the next step is. The building has been upgraded to look great.

**Mr. Bock motions to adjourn 7:47. Mr. Brown second. All in favor.**

**Next Meeting Date: January 23, 2023** – Town of Webster Selectman Meeting Room

Respectfully submitted,



Tracy Coporale  
Recording Secretary