

**Town of Webster
Conservation Commission
Minutes of the Meeting – July 7, 2022**

A meeting of the Conservation Commission was held on July 7, 2022 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.

Present: Chairman, Joey Wigglesworth, Vice Chairwoman, Michelle Sherillo, Dr. Robin Jewell, Fred Bock, Dan Duteau, Karen Bartholomew, Hayden Brown, Richard Parent (Alternate)

Staff: Mary Overholt, Conservation Agent; Tracy Coporale, Recording Secretary

Meeting called to order: 5:31pm

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

Approval of Meeting Minutes

Dr. Jewell motions to approve meeting minutes of June 23, 2022. Mr. Duteau second. 5 Votes in favor, 1 Abstained, by roll call vote. Ms. Sherillo abstained.

Request for Determination of Applicability (RDAs)

74 Chase Ave – Building a deck for an existing above ground pool. Melinda Titus (Applicant), present. Mr. Wigglesworth opens the public meeting. Mr. Duteau reads the public notice. Ms. Overholt is showing the drawing and plan. This is river front property. There's a 200ft buffer zone. The pool was installed last year, it's about 100ft from the water. The deck is already built. There's a hose coming from the pool that she uses to backwash the filter system once a week for 2 minutes water comes through the hose and drains onto the lawn. Ms. Titus was asked to be moved the hose further away from the river. Ms. Overholt showing photos showing the hose closer to the pool after Ms. Titus moved it. Mr. Duteau motions for a negative determination for 74 Chase Ave. Dr. Jewell second. Votes all in favor by roll call vote.

25 Beacon Road – Remove and replace an existing 16'x22' deck. Melinda Schofield (Applicant). Mr. Duteau reads the public notice. Ms. Overholt showing the hand drawn plan. The deck is close to the lake. They are putting in new sonotubes. There is a tree in the middle of the deck and it's pushing on the deck causing it to fall apart. She is planning on raising the deck up so it's not at the base of the tree as the tree continues to grow. The deck will be Trex. The steps also need to be repaired, but will not be doing repairs at this time. They will be digging for sonotubes by hand. Ms. Overholt to ask them to put a silt fence for erosion controls and suggest to them to be careful that the bank doesn't get disturbed. Also have them mark out where the sonotubes are going to go. Mr. Bock motions for a negative determination with conditions for 25 Beacon Road. Dr. Jewell second. 6 Votes in favor, 1 abstained, by roll call vote. Mr. Brown abstained.

Mr. Brown joined meeting at 5:55pm

Webster Lake Association – 2022 Water Treatment – Paul Laframboise representing and explains, that everything went according to previous submitted map. All the applications were done using the air boat and john boat with 5 people. There is a good response from the weeds after the treatment. There are some people looking for hydro-raking, but nothing has been done due to budget restraints. Maple Cove may be done, which didn't get done last year after approval. Mr. Laframboise asked Dominic to put on the restriction zones on the map for next year. The Conservation Commission want to be sure people see these

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restricted areas. Mr. Laframboise mentioned that he will also put the rings around the wells protected areas. The Commission will be scheduling a site walk.

302 Killdeer Road – Changes for the retaining wall layout – Minor Modification DEP 323-1185, Mr. Cameron Smith, (Applicant), present. Mr. Jarred Mahota, Contractor, present. Ms. Overholt showing the photos of the broken wall and the hand-drawn plan to repair the wall that was approved in 2020. The wall collapsed last year. The first wall closer to the water is 3ft tall, then the area is leveled out 26ft back and a second wall is 4ft tall. Ms. Bartholomew comments that the plan of the wall doesn't show enough information. There's no details, there's no property lines, there's no cross sections, no elevations. She feels it's tough to understand the changes that are going on. Mr. Smith explains that one of the changes was securing a new contractor, and the other change was the materials that will be used. After noticing blocks used in another part of the lake he decided to also use these blocks instead of the original poured concrete material. Mr. Wigglesworth asks what Mr. Mahota will be using as a footing. Mr. Smith explains there are 2ft high blocks, the first block will be set down 1ft into the ground and another block on top of that. There will be riprap in front and gravel back-fill behind it. Mr. Duteau doesn't have a problem with the design, but due to the different materials and different locations he feels there should be more details as far as what is going to be done and where. Mr. Wigglesworth explains that DEP will not look at this as a minor modification and will look at it as an amendment due to changing the wall design and adding a wall and there's too much that can change in the shoreline area. The drawing needs to be more specific. How wide are the stairs? How high are the stairs? Where is the waterline? This drawing will be on file with DEP and with the town. Ms. Bartholomew comments that there is no mention of the demolition of the wall. Ms. Overholt explains that the old wall is down and the site is wide open and it's in the best interest of the commission to allow Mr. Mahota to move forward to protect the shoreline. Mr. Wigglesworth agrees that the shoreline needs to be protected before a large rain storm occurs and it ends up as a large mud bowl. Ms. Overholt suggested to Mr. Mahota that he should install the new wall in the exact spot of where the old wall was. And the commission should discuss installing riprap, which was not used with the old wall. Mr. Wigglesworth explains to Mr. Smith that the riprap should be 2ft out and 2ft above the high water line. It should be 8-10 inches of rough rock to break up the water energy and help save the wall. At this time, he has a turbidity curtain in. Mr. Mahota joined the discussion. Mr. Wigglesworth explains to Mr. Mahota that this project doesn't fit the criteria for a minor modification and should be an amendment, but there's an emergency at the shoreline to get it shored up. The second half of the project needs to be an amendment. DEP will not accept a minor modification for this work. Mr. Mahota states that the wall is already installed in the exact location as the old wall. There's a ¾ inch stone footing and a half of a block is buried below grade and then a 2ft block on top of that. All the material behind that is being taken out and trucked off site. No stock piling. Mr. Wigglesworth considers the first portion as the minor modification. But Mr. Smith needs to do an amendment for the rest of the work. Mr. Duteau feels we should allow them to do the minimum amount of work necessary to put the shoreline wall in place. However, the riprap and the rest of the work will have to wait until we have an amendment to the NOI. Mr. Brown agrees. Ms. Sherillo asks the commission, are we suggesting to approve a wall that's different from the original NOI, but we are lacking information on it? That sounds like we are okay with putting in the blocks and we are going to assume they put it in the right place and at the right high water mark? It's going to be different design from the original NOI? Mr. Duteau comments it's going to be the same as the original in that the shoreline wall will be replaced in the same footprint as the old wall. So the difference is the height of the wall. Ms. Sherillo, so the change is what the wall is made out of and how tall it will be? So the minor modification is different material and a shorter wall? Yes, to get the shoreline secured and avoid an erosion mess. Ms. Sherillo asks, does it require earth movement which is different from the original plan because of shortening the wall? Originally the wall was 8ft, they are going to shorten it and do a terrace.

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So making the terrace requires taking a ton of earth out, which wasn't in the original plan. Mr. Smith explains the original plan was a shorter wall with a grade and landscaping. The lower wall had been approved and that has always been the plan. They wanted to add the second wall instead of having a slope because a terrace would be a useful area for kids to play on. Mr. Wigglesworth comments there was a big grade so the terrace would also help with run-off. Ms. Sherillo understands there was a small wall with a large grade and she wants to be clear about what they are approving, which is the smaller wall with different material, no terrace until there's more details and no riprap? Yes. Just getting the shoreline wall installed. Then he will have to file for an amendment. The deadlines have passed to get him onto the next meeting, but can put them on the agenda for August 1st. Mr. Smith is concerned about this delay for the work to commence and the delay for Mr. Mahota and his team. Ms. Bartholomew asks how can the commission be sure that the wall will be placed in the same location without details? Mr. Mahota explains, that the middle of the old wall fell, but the ends of it remained so they were able to see where to install the new wall, which has already been installed and the excavation of the slope has been removed and the grading has started to build the terrace and the upper wall. The riprap was installed to keep the erosion from happening at the bottom of the wall. Ms. Sherillo asks, so we are talking about work that was done without approval? Ms. Overholt explains that she made a site visit and agreed that the wall needs to be installed but was unaware of the changes and there was no permission for the riprap and digging of the terrace. Mr. Mahota states they needed to dig the terrace to install the lower wall. Mr. Duteau suggests that all work stop until the homeowners provide details for the rest of the work to the Conservation Commission. Mr. Wigglesworth explains to Mr. Mahota that he needs to have a construction sequence Phase 1, Phase 2, etc. The sequence is to show the rest of the work that needs to be done. Be sure to add the staircase. Include the grass areas. Ms. Sherillo asks if there's erosion controls installed? Mr. Mahota explains that there's a turbidity curtain in the water. And there was no place to put erosion control until the wall was built. So now they can put a silt fence and straw wattles on the top of the wall. The property is in a better position now. He explains he wasn't aware that the commission didn't approve the plans. It was approved by the building department and upon talking with Ms. Overholt it was just a minor change so they went forward with it. Ms. Overholt explains that the area was sitting without protection for 12 months and she was happy to see that there was a wall to prevent erosion. Mr. Mahota needs to put together a construction sequence. They are to work with Ms. Overholt to put the proper paperwork together and be put on the agenda for August 1st. Mr. Mahota says the quicker they install the walls the better it is for the erosion, is there any way to speed the process up? No. Mr. Smith speaks about the plan that was approved and felt they were doing this the right way and asks for clarification as to why this is an amendment. Mr. Wigglesworth explains that the DEP would look at this and say it's not a minor modification. The only other mechanism he could recommend is that they visit the site and give an emergency order. Mr. Mahota explains that the new plan is better as far as the erosion because once the slope was established it could have been a lot more run-off. The second tier is a better option. Ms. Bartholomew mentions that it's good that Mr. Smith came before the board now and didn't wait until the certificate of compliance was needed. Mr. Wigglesworth suggests ordering a stop work. And Mr. Mahota get the construction sequence to the board by Friday, July 9th, he is willing to walk the site with the construction sequence and a map in order to continue moving forward as long as Mr. Smith file an amendment so it can get buttoned up before something does happen. Ms. Sherillo is uncomfortable with this suggestion and believes there will be others that will want to do the same thing in the future. Is this the right thing to do? Mr. Wigglesworth would feel more comfortable walking the site after the plans are drawn up better and things are mapped out. Dr. Jewell agrees with Mr. Wigglesworth and addresses Mr. Smith that it is a unique situation, but we do need better plans asap. Mr. Brown agrees with Ms. Sherillo that it's setting a precedence for future applications, as far as approving one thing and doing something else and being okay with it without going through the process. It's a slippery slope and feels they are opening themselves up to criticism. He believes they should issue a complete stop of work. They file the correct paperwork and come back before the board for an amendment. He also feels it looks bad to the people in

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the town. Mr. Duteau asks how level is the level in between the walls, has it been excavated to that level yet? Mr. Mahota explains it's not totally done. It's about 18 inches higher than it needs to be. Mr. Duteau asks, it's not a steep slope down to the shoreline? Mr. Mahota, no, not really. Ms. Bartholomew agrees with Mr. Brown. She would like to walk the site to be sure this project is not a catastrophe waiting to happen and not having photos of what is there now makes it hard to make these judgements looking at old photos and a plan. Maybe putting up more erosion controls as well. Mr. Duteau agrees to stop the work and plan a site walk so they have an understanding of the current condition. Mr. Smith apologizes and explains that he believed he was doing everything right to this point and feels it's a dangerous area at it stands right now and is asking the board to consider another way to move this process forward. Mr. Wigglesworth explains this is a mechanism and needs Mr. Smith and Mr. Mahota to put together the construction sequence, photos, set up erosion controls and he further explains that it's a legal mechanism, there are too many changes to be a minor modification and he doesn't want the state to kick it back. Mr. Bock explains that an amendment requires an open meeting and a discussion. Even if the neighbors are okay with the work the Conservation Commission is missing the legal steps to do an amendment. Since Mr. Smith has missed this deadline, he suggests to the board a special meeting. Ms. Overholt says July 21st at 5:30 is the earliest they could do a special meeting. Ms. Bartholomew, Mr. Duteau, and Mr. Wigglesworth will meet at the site and discuss the changes with Mr. Smith and advise what needs to be done to do an amendment. Mr. Mahota will have his foreman, Ed and a laborer to meet with the board and they will be installing the silt fence and straw wattle. Mr. Wigglesworth suggests that they measure out the next wall and hammer in some markers for an idea of where the next wall will begin.

1 Cudworth Rd – Certificate of Compliance DEP 323-862 Building an addition, sediment control and riprap. No discussion. They are not ready.

Discussions:

Election of officers – If anybody is interested in a different position on the board, there is open discussion. Nobody is interested in changing and are all okay with remaining the same as a board. Mr. Brown motions to keep the Chairman, the Vice Chairwoman, and the secretary positions the same. Ms. Bartholomew second. Votes all in favor by roll call vote.

Remote meetings – reach out to your Representative and Senator if you would like to let them know how you feel about keeping remote meetings active. Senate bill# S.2104 House bill H3213. No movement yet on the bills.

Mr. Brown leaves the meeting

56 Worcester Road – Enforcement Order for work right up next to a wetland. Mr. Glenn Krevosky is working on some vegetation planting in the wetland area. Also putting some boulders on the top.

Goddard St. – Mr. Duteau has driven by and nobody has been on site. Mr. Sherillo has taken paperwork to the registry.

Beacon Park – Engineer has provided some information. A site visit is coming soon.

6 South Point Rd – Received engineered plans from Mr. Balcewicz. Ms. Patty Foley and Ms. Pam Sheeran hired a bad contractor and had to stop their project. Mr. Wigglesworth explains that the board needs to decide whether this is a minor modification or an amendment? They are having techno posts tapped in

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front of the walls. These posts will support the walls with a metal fascia that goes down about a foot into the ground. Ms. Overholt shows the plans, 3 pages 6/22/22. They are essentially using a small pounder machine to put posts into the ground to stabilize the wall. This has been in a holding phase. They also added a cultec but that is far away from the water. Is this a minor modification? The techno post company will also brace the deck as well as reinforcing the walls. Once the posts are in, they will put plantings to get the erosion out of control. There are no additional changes than a year ago. The docks are the same docks, but will get them approved. Mr. Wigglesworth asks the commission, so with the fascia, the techno posts and adding the storm water catchment are we on board with a minor? Nothing new is being proposed. There's no earth work. The commission agrees a minor modification is okay.

Mr. Bock motions to Adjourn at 7:52pm. Dr. Jewell second. Votes all in favor.

Documents:

74 Chase Ave Photos	Dated 7/5/22	
25 Beacon Road Photos of the deck	Dated 7/7/22	
302 Killdeer Road Original Plan	Dated 10/12/20	Pages 3
Modification Plan	Dated 2022	Pages 1
Photos of the old wall	Dated 11/5/2020	Pages 6
6 South Point Rd Plan	Dated 6/22/22	Pages 3

Next Meeting Date: July 18, 2022 – Location to be determined.

Respectfully submitted,

Tracy Coporale
Recording Secretary

Conservation Commission Approval:


Chairman

Date:



