

**Town of Webster
Conservation Commission
Minutes of the Meeting – August 1, 2022**

A meeting of the Conservation Commission was held on August 1, 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.

Attending: Chairman, Joey Wigglesworth, Vice Chairwoman, Michelle Sherillo,
Dr. Robin Jewell, Dan Duteau, Karen Bartholomew, Hayden Brown, Fred Bock,

Absent: Richard Parent (Alternate)

Staff: Tracy Coporale, Recording Secretary

Meeting called to order: 5:36pm

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

Approval of Meeting Minutes

Mr. Duteau motions to approve meeting minutes of July 7, 2022. Ms. Sherillo second. Votes all in favor by roll call vote.

Mr. Duteau motions to approve July 18, 2022. Ms. Sherillo second. Votes all in favor by roll call vote.

Mr. Duteau motions to move approval of July 21st minutes to August 15, 2022 meeting. Dr. Jewell second. Votes all in favor by roll call vote.

Request for Determination of Applicability (RDAs)

62 West Point Road – Construction of a second story addition. Mr. Richard Whitehouse (Applicant) Mr. Stephen Balcewicz, BC Engineering & Survey, representing. They are proposing construction of a second floor over the existing house. Architectural drawings were supposed to be submitted. Ms. Overholt visited the site and took photos, Ms. Sherillo showing the photos. The existing house is 50 to 60ft from the water. No trees to cut. It stays in the same footprint. The board needs the architect plans as to the extent of what is going to be done and all additional information. Any stock piling? Where the dumpster will be? Etc.

Mr. Duteau motions to continue 62 West Point Road to next meeting, August 15, 2022. Ms. Sherillo second. Votes all in favor by roll call vote.

300 Thompson Road – Construction of a parking facility. (Continued from July 7) Three Hundred LLC (Applicant). Mr. Stephen Balcewicz, BC Engineering & Survey, updates the commission, they are hearing for the first time tonight. Mr. Brandon Faneuf, Ecosystems Solutions, will also update on the peer review. Mr. Balcewicz explains that the most recent plan addresses all the concerns from the last meeting and since the last meeting he received a peer review letter from Mr. Eaton, Town Engineer. He is now revising the plan based on the peer review letter as far as comments regarding the lines in the parking lot, which are gravel roads and grass parking areas, however, a lot of this has to do with planning board and zoning. After a discussion with Mr. Faneuf, there were concerns in the lower area, sheet 4 of 9 of the drainage plan with retention pond, there were 2 pieces on the northerly side the riprap to the pond, there were 2 areas delineated by Mr. Nathan Hayden, Nathan Hayden & Associates. The northerly one deemed not a wetland. The southerly one, per Mr. Faneuf's review based on his inventory makes it a wetland. The determination was

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there was no connection between that and flag A25. He informed Mr. Balcewicz that it is a wetland. The plans show the northerly one that doesn't have a connection to the southerly one has an area in between, uplands. The southerly one abuts the stone wall and has a connection to A25 and A24. Mr. Balcewicz revised the flags to connect those two and where the pond is they will be filling about 2000sqft, from the areas. Their plan is adjacent to the A24 and A25 recreating the upland area, digging out the material that is wet within the pond and stock piling it per the notes and details. Mr. Faneuf states that Mr. Balcewicz's explanation is accurate. No vernal pools and the annual high water is noted. No DEP# yet. There's a perennial stream within the BBW, he asked Mr. Balcewicz to delineate the high water mark because there will be river front areas associated with this project. Judy Smitz, reviewed this from DEP. Mr. Balcewicz didn't know that the stream that cuts across the old parking area was flagged by EcoTech and then they took measurements in the water and found it to be not a perennial stream even though it shows as a blue solid line on USGS maps. It didn't carry over. It has a 3-year statutory limit and they have to reapply and take those measurements 4 consecutive days without being in a drought period. They are in the process of waiting for rainfall to take measurements, once the state deems it not in a drought. At the request of Mr. Wigglesworth, Mr. Faneuf explains a little about a perennial and intermittent stream. A perennial stream flows throughout the year and doesn't dry up. An intermittent stream flows mostly in the winter and spring and may dry up in the summer. The state protects perennial streams differently than intermittent streams. The perennial streams have more value than intermittent streams. The Rivers Protection Act has been incorporated into the Wetlands Protection Act and has its own section. Approximately 200ft radius around the perennial streams is called a river front area which has its own standards for work. It's about 2/3 of a football field. An intermittent stream has a 100ft buffer zone and the work standards are more relaxed. This 200ft river front area is going to extend into the area being proposed for a work area. So this has to be located on the plan. Mr. Balcewicz mentioned that in the past a portion of the stream had been determined to be intermittent even though it was perennial. The regulations allow you to reclassify perennial streams into intermittent streams. The way streams are determined is by using USGS topographic survey maps, which are not gospel. The regulations give a little wiggle room to see if the stream dries up. In 2014 EcoTech had taken pictures of the stream to show it was dry and the development next door the perennial stream was downgraded to an intermittent stream. The Wetlands Protection Act is where science meets the law. The rule on changing the status of the stream is the determination if it's valid on the property that it was asked for, the order of conditions is valid or until a certificate of compliance has been issued. The property next door still doesn't have a certificate of compliance, but the order of conditions has a 3-yr period, which would have expired in 2017. So that means going back to square one and the stream is now perennial. So it is now the applicant's obligation to show that it's intermittent through observations otherwise it's presumed that the stream is perennial. Mr. Faneuf sharing the GIS. The wetland boundary is marked, and the stream is flagged. The stream that is being dealt with is a perennial stream. Mr. Duquette asks for the measurements? Mr. Faneuf says it's 163ft to the wetland boundary. The detention basin looks to be in the river front area. Mr. Faneuf asks Mr. Balcewicz to label the mean high water mark so the 200ft zone can be measured from that. So Mr. Balcewicz will do the 4-day evaluation and then they will meet before the next meeting, August 15th. Mr. Balcewicz to pay attention to the advisory board, who meets once a month then takes 2-weeks to make a decision. Now is a critical drought. Mr. Wigglesworth shared a link to visit to watch the state's drought status. Ms. Sherillo asks, it does mean that the applicant can presume river front and approach the project differently, they don't have to wait for the drought to go away? They could also continue until the drought is lifted and maybe the stream will still be dry and they can take pictures. Mr. Faneuf and Mr. Duquette walked the channel. When Mr. Balcewicz visited the area in March/April, the swamp was 6-inches to 1-foot deep, he didn't go out there, but he did locate a portion of the stream from Mr. Duquette's old project and he noted it on the conditions plan on sheet 2 of 9. So they plan on going out there next week to locate the stream. The stream goes from 3ft to 8ft wide. Per Mr. Duquette, as they walked towards 395 it was a defined channel at about 3ft wide and 10-inches deep. When

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they locate it and it shows that they can move forward with the project, assuming it's a perennial stream they will do so and not wait. But if they have to wait then they will. Mr. Faneuf agrees with the wetland boundary as flagged. They keep all the construction of the proposed parking outside the 25ft buffer zone. They plan on putting white pines along the berm of the property. Dr. Jewell, asks about the 1 to 1 planting of trees? Mr. Balcewicz says they plan on planting 96 pine trees. He scaled the distance from the top of the slope to the intersection of the wetland and the rear property line of the Colonial Club, there is room for 96 white pine trees. Also other trees can be planted. Mr. Wigglesworth had a walkthrough with Mr. Duquette and there is a shortage of plant-scaping for the neighbors and made a recommendation to add white pines. Other recommendations are welcome. Mr. Balcewicz to submit a separate planting plan. How many trees? Ms. Bartholomew asks, if you have to go 200ft because it's a river front, it seems that it pushes into the parking lot design, what else is the requirement that you have to recover if you are in a river front area? Mr. Faneuf explains, that it's an alternative analysis that the commission has to review and approve. The general performance standards on determining whether it has an adverse impact is the first 100ft from the bank of the stream is a no touch zone. It shouldn't be an issue by my rough estimate because they will be more than 100ft away. Applicants are allowed to alter up to 5000sqft or 10% total of the river front area. Calculations to be done, if the design ends up in the 200sft. Ms. Bartholomew also notes that she read the Town Engineer's review and he addressed the drainage sizes were inadequate or incorrect and needed to be recalculated. Was this done? Yes. Mr. Balcewicz will be requesting a waiver for the trees along the isles. The truck turn around was added. The only other thing is we have to locate the stream going out. Do the computations and acknowledge whether we want to continue due to being in the river front area and if it's beneficial they can move forward. The new plan will have a revision date after going out to location the remaining portion of the stream. Mr. Balcewicz will revise the drawing with the stream added and submit it sometime the end of next week. Mr. Wigglesworth suggests to the board to review the plan, make comments and submit them to him. Mr. Balcewicz to revise the plan per the comments from the board before next meeting on August 15th. Mr. Duteau motions to continue 300 Thompson Road to August 15th Mr. Brown second. Votes all in favor by roll call vote.

35 Bates Grove Road – Addition to an existing single family home – Stephanie Stepka (Applicant)
(Continued from July 18th) No DEP#

37 Bates Grove Road – Demolition and construction of a single family home. (Continued from July 18)
Christopher and Jennifer Colebourn (Applicant) They are still waiting for a DEP#.
Mr. Bock motions to continue 35 Bates Grove Road, and 37 Bates Grove Road, Mr. Duteau second. Votes all in favor by roll call vote.

49 Arkwright Road and 30 Worcester Road – Mr. Krevosky submitted a formal letter to close out his project for his NOI, due to the town disturbing the property. Ms. Sherillo showing photos of the property. There are tires still there. The bank it disturbed using the back hoe and they left the area a mess. The bank was stabilized and they made it unstable. They should have put riprap next to Arkwright Road, but didn't. Town added a swale. The gully was the main reason of the silt going into the brook.

No public comments.

Mr. Bock motions to close the public hearing of 49 Arkwright Road and 30 Worcester Road. Ms. Sherillo second. Votes all in favor by roll call vote.

Ms. Sherillo motions to issue an Order of Conditions for 49 Arkwright Road and 30 Worcester Road. Mr. Brown second. Votes all in favor by roll call vote.

92 Lakeside Ave – Repair and replace failed retaining wall. Christopher and Lisa Campbell (Applicants).

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Mr. Stephen Balcewicz, BC Engineering & Survey, representing. The board didn't get the plans in time. Mr. Balcewicz explained there was only 1 item changed on sheet 3/3 and there were 3 lines added to the construction notes and after discussion he is aware of the Chapter 91 for the dock. He had a conversation with Christine Hopps and they won't do anything unless DEP#323 1234 is approved. The only changed was the construction sequence. Ms. Sherillo shows the construction sequence. The schedule has 3 lines added; removing the wall, straightening it out, and repairing/replacing the stairs going to the lawn area. Showing the wall plan. Mr. Balcewicz reads the notes on the plan and makes mention of the wall that remains. Mr. Balcewicz says the dock is straight out, the jet ski lift is typical. He is asking for the board to approve the plan so he can move forward. He has 30 days to make the changes such as taking the dock off the plan and submit the dock on an 8x11. Ms. Sherillo suggesting they rework their dock on the shoreline. Mr. Balcewicz has satisfied the wall requirements. The finish grade is right to the top of the grade. Mr. Balcewicz doesn't want to put a 3inch lip due to being a tripping hazard and has concern there will be water running behind the wall and freeze in the winter. There's no grass before it. Mr. Wigglesworth wants to see at least a 2-inch lip, and will put this in the order of conditions. No abutter comments. Mr. Duteau motions to close the public hearing for 92 Lakeside Ave. Mr. Bock second. Votes all in favor by roll call vote.

Dr. Jewell motions to issue Order of Conditions to replace the retaining wall/stairs for 92 Lakeside Ave. Mr. Duteau second. Votes all in favor by roll call vote.

242 Killdeer Island Road – Replacement of a lakeside retaining wall. Alfred Castro (Applicant), present. Lakeside Masonry and Remodeling, contractor. Mr. Duteau reads the public notice. Showing the plan. There was a site visit on Saturday. The proposed area was reviewed to have a field stone wall with a 3ft wall and a stairway to the beach. Mr. Wigglesworth doesn't have concerns as far as the construction of the wall. They will sink the stone, the blocks are 8 inches high so it will be 18 to 20 inches that is buried, the first row underground. Using crushed stone to compact, may hit water, the slope of the beach is higher than water level. The block is 8inch high by 16 wide. It's a local company making the block. They are hollow block, which will be filled with concrete every 3rd block for the strength. Crushed stone to be used which is by the manufacture specs. Mr. Wigglesworth asks if he added that into the construction sequence? He will construct the entire wall 50ft long and fill the cells as needed and glue the cap when the cells are completely filled. The wall is simple, no need for a Chapter 91 permit. No stock pile planned. It will be removed off site immediately. The crushed stone will be brought in by the bucket of a skid steer. The finish grade will be brought in by bucket as well. Mr. Wigglesworth suggests to put a wattle along the shore in the work area approximately 1ft out. The finished cap is 3inches thick and will keep finished graded below it. The normal water line is at 480. What does that mean to the sandy shore? There's no numbers on the plan so it's hard to tell. The normal water line is 1ft into the beach. Mr. Wigglesworth suggests Mr. Castro add a line that shows the 480 mark in the sand, which is the mean high water mark. Mr. Castro needs a Chapter 91 permit for the dock. The dock needs to slide over a bit and it should be centered in the property. He needs to calculate the square footage and render the draining and make note how far out it goes and from the distance to each property line. It is required to do per the state. Mr. Duteau makes note that you have to attach the jet ski lift to the dock and it has to be part of the calculations. During the site visit a dry well was recommended for the erosion and having the gutter water infiltrate into the ground. The contractor will intergrade a couple of stairs and install dry wells. It's explained to Mr. Castro why dry wells are necessary. Mr. Bock explains that the dry well should be capable of handling roof run off to slow down the water and stop erosion. They will make dry wells for erosion and stabilize the hill. If they want to loom and seed, is up to him. Make sure all water coming down the slope is put back into the ground. Also use the wattle when digging, add to the construction phasing and a wattle at the base of the slope and a wattle at the shoreline. The wall will be from property line to property line. Need a DEP#

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Mr. Brown motions to continue 242 Killdeer Island Road to August 15th meeting, Mr. Bock second. Votes all in favor by roll call vote.

Discussion Items:

Goddard Street – Mr. Matt Morro, present, representing the owner of the property. The Conservation Commission has tried to contact the owner/contractor to keep the communication going. Mr. Morro explained that he is taking over this project. They received the letter that spelled out the violations. He is writing up a corrective narrative. It seems a lot of invasive plants started to grow from two sides, he is pulling those out and cutting a willow branch out by hand, will have the area replanted in mid to late sept when the weather is better. The DPW went out and claims that the section of pipe that is going to the wetland area is intact. The commission suggests that the owner partner with DPW to figure out where the pipe goes and how it will be taken care of. Mr. Morro to talk with Mr. Pizzetti of the DPW and discuss this pipe and why there's a pipe that is missing a large piece. It has destroyed the wetland and needs to be fixed. Mr. Morro believes there is a road drain but will straighten it out with DPW. Mr. Bock mentioned he could hear water coming into it and thinks it's tied in up the street. The area was cleaned out mid-May and the area hasn't seen silt come into the area since. They will be filing weekly reports. Mr. Wigglesworth suggests to remind the owner he needs to stop working until some of these issues are rectified. The fines will remain in place. There was a change made in the driveway that are not on the plans. The driveways are unified which changes the storm water calculations. Mr. Duteau asks Mr. Morro to monitor the property and report back to the Conservation Commission. Mr. Morro to contact Mr. Wigglesworth with a time and day to have a site review later in the week.

18 Westwind – Certificate of Compliance #323-1107 – Construction of a single family house. They have 2 outstanding issues. Mr. Wigglesworth explains he has an intermittent stream along the side of the house and doesn't want to make the planting changes per the commission for the certificate of compliance. He will let Mr. Wigglesworth know when he is available for a site review.

15 Wakefield Ave – Minor modification #323-1220 Chapter 91. Mr. Quinn, present. Mr. Balcewicz representing. The board needs to check the deck to see if it satisfies Chapter 91 permit. Then he needs a license for the dock. The dock needs some other type of configuration; Chapter 91 won't allow that type of configuration. The deck is done due to the safety of it. The dock is 218sqft and looking to connect it up to the concrete slab. Mr. Wigglesworth would rather the dock be connected to the concrete slab instead of moving it and causing more disturbance to the shoreline. Maybe Mr. Parent, abutter, could sign a note stating that he is okay with the distance of the dock to the property line. Mr. Quin has photos of the historical dock, but because he changed the dock it's not grandfathered. The NOI was for the deck and the walkway which was approved, however it wasn't originally permitted. Mr. Balcewicz will provide the information for the cross section and the dock. Should have a narrative because it's not a traditional connection to the land. Mr. Quinn asks about installing the jet ski docks while the permit is in process? Continue 15 Wakefield Ave to August 15th meeting.

1 Cudworth Road – Certificate of Compliance #323-862 – Mr. Ron Mendez, Graves Engineering, representing. Updates the board. The clean-up items such as; sediment control, riprap installed, a trailer within the wetland, were completed. Mr. Wigglesworth will arrange a site visit. If everything is completed the certificate of compliance will be issued.

18 Oakwood Drive – Certificate of Compliance #323-1123 – Construction of a single family home with septic system and driveway. Needs more work. Nothing done yet. Mr. Wigglesworth to follow up.

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Ms. Overholt met the homeowner. In the last meeting, she mentioned that it got sold without a holdback and needs Peter Amorello to do what it needs. They need an As-built plan, need some invasives removed. It was sold prematurely.

56 Worcester Road – Looks much better.

Enforcement Order for work right up next to a wetland. He seeded it. Mr. Glenn Krevosky is working on some vegetation planting in the wetland area. Also putting some boulders on the top.

Preconstruction site visits will be on Mondays and Thursdays. The applicants are given their orders and will be asked to pick a time between 1-3pm on a Monday or Thursday to have a site meeting. During the site meetings, the board members are to review, with the applicant, the order of conditions and explain that it's a legal binding document, let them know they need to notify the office if they have any questions or concerns. Mr. Bock suggests the applicant have a copy of their filing from the registry. No form no preconstruction meeting. Mr. Duteau asks to put the RDA and NOI check lists on the website soon, also add graphics to go along with the information.

Mr. Bock 9:47 adjourn Dr. Jewell second. All in favor.

Documents:

49 Arkwright Road
Photos

300 Thompson Road
Site Plan

Dated 7/15/22 Pages 9

92 Lakeside Ave
Site Plan

Dated 7/26/22 Pages 3

242 Killdeer Island Road
Plan & Narrative & Photos

Dated 7/2/22 Pages 4

15 Wakefield Ave.
Site Plan

Next Meeting Date: August 15, 2022 – Police Station Community Room

Respectfully submitted,

Tracy Coporale
Recording Secretary

Conservation Commission Approval:


Chairman

Date: _____