



TOWN OF WEBSTER
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CONSERVATION COMMISSION

**Town of Webster
Conservation Commission
Minutes of the Meeting — August 21, 2023**

A meeting of the Webster Conservation Commission was held on Monday August 21, 2023 at 5:30 p.m., in person, in the Webster Board of Selectmen's Meeting Room.

Attending: Chairman Joey Wigglesworth, Vice-Chairman Richard Parent, Members: Pamela Sheeran, Dr. Robin Jewel, Jay Cammarata

Absent: Member Candace Shivers

Staff: Conservation Agent Dawn Portman, Executive Assistant Kelly Lyman

The meeting was called to order at 5:34 p.m.

Chairman Wigglesworth stated that the meeting was being recorded, and that if anyone in the audience wishes to record the meeting for personal use, they must notify the Commission.

Old Business

0 Goddard Street, Lots 1 and 2 (also known as 25A and 25B Goddard Street) — Elijah Ketola, Applicant — continued from 7/24/23 - Motion to continue this item to September 25, 2023 made by Dr. Jewell, seconded by Ms. Sheeran. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

90 B Sutton Road — Jack Courville - Owner — continued from 7/24/23 - Motion to continue this item to September 25, 2023 made by Mr. Parent, seconded by Ms. Sheeran. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

67 Colonial Road — Chairman Wigglesworth stated that this item will be taken up at the end of the meeting.

71 R Minebrook Road — Matthew Weatherbee — Owner — continued from 7/24/23 — Motion to continue this item to September 25, 2023 made by Dr. Jewell, seconded by Mr. Cammarata. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

Request for Determination of Applicability (RDA)

9 Wakefield Ave. — Richard Gauger — Applicant / Owner — continued from 7/24/23 — No one was present to discuss this project. Ms. Portman stated that the applicant has not been responsive. Motion to continue

Webster Conservation Commission
Meeting Agenda
August 21, 2023

the public meeting to September 11, 2023 made by Mr. Parent, seconded by Mr. Cammarata. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

6 Bates Crossing — Michael Stelmach — Applicant / Owner— continued from 7/24/23 —Ms. Portman sent the applicant a copy of the minutes of the last meeting and instructions on how to proceed. Motion to continue the public meeting to September 11, 2023 made by Mr. Parent, seconded by Dr. Jewell. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

28 Laurelwood Drive —Jay and Stephanie Charbonneau — Applicants - continued from 7/24/23 —Neither Ms. Portman nor the applicant were able to get a topographical map that was requested by the Commission due to technical issues with Mass Mapper. The landscaper, Kevin Duquette, was present to represent the applicants. Ms. Portman displayed the photos on the screen for all to see. Mr. Wigglesworth requested a plan, instead of the photos that the landscaper provided. The photos showed where the retaining walls will be placed, and they will use sod on the flat space. There is an area for the downspout for the shed. Mr. Wigglesworth requested for the downspout to go into a drywell. The Commission requires a more detailed plan for this project with dimensions. The site should be staked out. Mr. Duquette noted that there is a stake at the 10 ft. mark. The Commission was concerned about the flood plain for the Lake. A 3-inch lip on the retaining wall is standard. There will be a concrete pad 20 feet from the shoreline. The Commission would like the concrete pad shifted to the east. There should be an 'undisturbed' area on the plan, not a 'beach'. The Commission requested the following items on a plan — the 480 water mark, dimensions of the walls, property lines and measurements, a spill kit, north arrow, and where the pipe is. Mr. Parent asked what the wall will be constructed with. Mr. Duquette stated the wall will be versa-lock with crushed stone behind it; that should be on the plan also. Motion to continue the public meeting to September 11, 2023 for more information made by Ms. Sheeran, seconded by Dr. Jewell. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

15 Point Pleasant Ave. — Edward Keegan — Applicant — Dr. Jewell read the public meeting notice. Stephen Balcewicz, B.C. Engineering and Survey Inc., represented the applicant. Ms. Portman shared the plan on the screen for all to see. Mr. Balcewicz reviewed the existing conditions. The 50 and 100 ft. buffers are shown. The existing home will be demolished and rebuilt in the same footprint. The house will connect to the existing garage and there will be a third bay added to the garage. There will be 2 drywells, one in the north and one in the south corners of the lot. The plan shows the following — a spill kit, construction entrance and stockpile area and dumpsters are on page 3. The erosion control barrier is the limit of work. The existing fencing will remain. The tree near the house will remain. Mr. Wigglesworth suggested wrapping the trees close to the house to protect them from machinery. That will be in the conditions. The drywells should capture 1 inch off the roof. Ms. Sheeran asked if there was a dock. There is no dock. Motion for a negative determination for 15 Point Pleasant Ave. made by Dr. Jewell, seconded by Mr. Cammarata. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

27 Bates Grove Road — Thomas Klebart — Applicant — Dr. Jewell read the public meeting notice. This meeting is for the Chapter 91 portion of the dock and retaining wall, the NOI has already been approved.

Ms. Portman shared the dock plan and photos of the retaining wall on the screen for all to see. Mr. Klebart was present. Stephen Balcewicz was in the audience and stated that he drew the original plans for the retaining wall. The dock plans were included with that NOI plan. Mr. Wigglesworth explained the advertising process for Chapter 91, which includes a separate advertisement for the State with specific language. Mr. Klebart noted that the existing dock has been there since around 1980. For the wall, the plan is to remove the railroad ties and replace with a stone wall. The sand rip rap will be removed. The tree will remain for shade. A concrete block will be placed on the wall and the dock will be attached with bolts. While work is being done, the filled area should have a coffer dam or sandbags around it, and a turbidity curtain should be in the water. There must be a 3-inch lip on the wall for the finished grade. Motion for a negative determination for 27 Bates Grove Road made by Dr. Jewell, seconded by Mr. Cammarata. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

25 Colonial Road — Brian Bohenko — Applicant — Mr. Bohenko was present. Dr. Jewell read the public meeting notice. Ms. Portman shared photos and the plan on the screen for all to see. They would like to add on a 12' x 26' carport, attached to the house. The carport will be about 76 feet from the water. The carport will be open and they do not plan on gutters. A French perimeter drain was installed on the addition to the house. Adding crushed stone to the perimeter and a splash pad will help dissipate water coming off of the roof and get the water into the ground and not into the lake. A splash pad will aim the water away from the house. Mr. Wigglesworth explained what should be included on the plan — erosion controls, a spill kit, how the water will be controlled, existing conditions, and dimensions. Mr. Parent asked about the impervious calculations. The impervious area cannot be more than 40%. The plan should be reviewed for stormwater. Anything that the applicant is planning should be on this plan, to be approved by the Commission. Ms. Sheeran asked if they had a dock. They do have a dock, which requires a Chapter 91 license. That will have to be done separately to satisfy the State's advertising regulations. Mrs. Bohenko suggested holding a meeting for residents explaining the Chapter 91 process. Motion to continue the public meeting to September 11, 2023 made by Ms. Sheeran, seconded by Mr. Cammarata. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

Public Hearings

46 West Point Road — DEP #323-1244 — Jason Tubo — Applicant — continued from 7/24/23 — Motion to continue the public hearing to September 25, 2023 made by Ms. Sheeran, seconded by Dr. Jewell. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

69 Colonial Road — DEP - #323-1255 — David and Kathleen Arnold — Applicants — continued from 7/24/23 — Ms. Portman shared the construction sequence on the screen for all to see. David Sadowski, D.J. & Associates, was present to represent the applicant. Extra erosion controls have been added. The updated plan was completed today. He gave the Commissioners copies of the updated plan. No new impervious area will be added. The existing foundation will be removed from the site, not buried. Ms. Sheeran stated that the pillars on the side come close to the water's edge. The pillars will be replaced with the same type of pillars. Any work in the back of the dwelling is in the 480 high water mark. The flood plain comes up to the stairs. If more than 10% of the vegetation on the bank is disturbed, they will have

Webster Conservation Commission
Meeting Agenda
August 21, 2023

to compensate. That would be considered disturbance of the BVW. They will need to file for Chapter 91 for the piles and the dock. The enclosed porch is over the 480 mark and triggers Chapter 91. The Commission requested that the builder come to the next meeting. DEP did not have any comments on the project. The fieldstone foundation will be taken apart by hand. There should be a drywell on the plan. Mr. Parent asked where the equipment will be. The concrete truck will not go down the south side of the site, but the machine to drive the helical piles will have to be on the south side. The limit of work will be the erosion control line. There is a fireplace, and possibly a propane tank could be used for heat. Motion to continue the public hearing to September 11, 2023 made by Mr. Parent, seconded by Dr. Jewell. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

New England Power Company — DEP #323-1254 — Soil Boring Project — Dr. Jewell read the public hearing notice and Chairman Wigglesworth opened the public hearing. Alison Milliman, Project Manager from BCS Group Inc., presented the project to the Commission. She explained that the scope of the work is geotechnical soil borings. They will be working in the BVW and wetlands. This is considered minor activity. The borings are done with a small geoprobe. Temporary construction matting will be used under machinery. The track mats arrive on site cleaned so they won't transfer any invasives. They are collecting the soil in the area around Mapfre and the transmission corridor that crosses through that area. The machines will stay out overnight, and there will be trays under them to catch any spillage of fluids. Ms. Portman shared a map of the area, with marked locations for borings, on the screen for all to see. NE Power Company and BSG provided the National Heritage overlay of the pond which includes the species list. The project is moving through 4 towns and will last about a month. Mr. Wigglesworth asked for a copy of the work done when the project is finished. BSG hopes to start the project this fall. They will come back to the Commission to close out the project when it is complete. There were no further questions from the Commissioners or from the audience. Motion to close the public hearing made by Mr. Parent, seconded by Dr. Jewell. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0. Motion to issue the standard Order of Conditions for the project made by Mr. Parent, seconded by Ms. Sheeran. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

Action Items

21 Wakefield Ave.— continued from 7/24/23 — Motion to continue to September 25, 2023 made by Dr. Jewell, second by Mr. Cammarata. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — abstain, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed 4 yes, 1 abstention.

4 Old Douglas Road — LKQ Route 16 property — continued from 7/24/23 — Motion to continue to September 11, 2023 made by Ms. Sheeran, seconded by Mr. Parent. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

47 Colonial Road — continued from 7/24/23 — Motion to continue to September 25, 2023 made by Dr. Jewell, second by Mr. Cammarata. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

Webster Conservation Commission
Meeting Agenda
August 21, 2023

6 Black Point Road — continued from 7/24/23 — Motion to continue to October 23, 2023 made by Ms. Sheeran, seconded by Mr. Parent. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

67 Colonial Road — DEP #323-1194 — David Arnold — Owner — continued from 7/24/23 - Steve Poole from Lake Engineering was present and provided a planting plan to the Commissioners. Ms. Portman shared photos of the wall on the screen for all to see. This was a discussion on enforcement to review a retaining wall that was built 23 feet larger than indicated on the original approved plan. Mr. Poole explained that the applicant wishes to keep the wall as is, remove the peastone and fill, and fill that area with organic material and plants like maple trees and blueberry shrubs. Dr. Jewell stated that some of the wall should be removed. Ms. Sheeran agreed that plantings would be beneficial, but the wall that was built is not the wall that the Commission approved, and should be corrected. Mr. Parent asked about Chapter 91 for the wall. Mr. Poole stated that DEP commented that Chapter 91 does not apply since the wall is above the 480 high water mark. Mr. Wigglesworth pointed out the high water mark on the wall and stated that the wall is in the flood plain. Mr. Poole stated that the wall is at 478.9 and is not within Chapter 91 jurisdiction. Ms. Sheeran noted that the wall is also 2 feet higher than the plan. This could hinder wildlife migration. There has been disturbance to the bank and removal of vegetation that provides habitat. Mr. Wigglesworth read the comments from DEP that are in this file and available on the Town's website. DEP comments noted that a plan was not submitted, so they were unable to review the project. Mr. Poole will get comments in writing from DEP. The Commission suggested that part of the wall could be removed, and the bank in that area could return to natural vegetation and allow for wildlife habitat. A third party may be necessary to review this. The Commission recommended EcoSystem Solutions. Mr. Poole will discuss removing part of the lower wall with the owner. The Commission suggested removing 7 'A blocks from the wall in addition to the plantings on the plan Mr. Poole presented earlier. Motion to continue this discussion to September 25, 2023 made by Ms. Sheeran, seconded by Dr. Jewell. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

Meeting Minutes — August 7, 2023 — Motion to approve the August 7, 2023 minutes of the meeting as written made by Mr. Parent, seconded by Dr. Jewell. Roll call vote: Dr. Jewell — yes, Mr. Cammarata — yes, Mr. Parent — yes, Ms. Sheeran — yes, Mr. Wigglesworth — yes. Motion passed unanimously 5-0.

Staff Report — Ms. Portman reminded the Commissioners that there is a meeting on Wednesday August 30, 2023 and she is expecting new plans for the Bartlett High School plan shortly. Mr. Parent would like to visit the site.

Next Meeting Date - Wednesday, August 30, 2023 at 5:30 p.m. in the Webster Board of Selectmen's Meeting Room, Town Hall, 350 Main Street, Webster MA 01570

Adjournment — Motion to adjourn the meeting at 8:58 p.m. made by Ms. Sheeran, seconded by Mr. Cammarata. Motion passed unanimously 5-0.

Webster Conservation Commission
Meeting Agenda
August 21, 2023

Respectfully submitted,



Kelly Lyman, Executive Assistant

Documents:

28 Laurelwood Drive:

- Request for Determination of Applicability and associated documents, received July 7, 2023, 9 pages.
- Comments — Planning, Zoning, Ann Morgan, Director of Planning & Economic Development, July 17, 2023, 1 page.
- Public Meeting Notice, July 24, 2030, 1 page.
- Photo of House and Wall, received July 11, 2023, 1 page.
- Photo of Landscaping, received July 11, 2023, 1 page.
- Photos of River Rock, received July 11, 2023, 1 page.
- Photo of Wall Concrete Pad, received July 11, 2023, 1 page.

15 Point Pleasant Ave.:

- Request for Determination of Applicability, received August 10, 2023, 3 pages.
- Plan; Site Improvement Plan, prepared by B.C. Engineering & Survey, Inc., received August 10, 2023, 24"x36", 3 sheets.
- Public Meeting Notice, August 21, 2023, 1 page.
- Construction Sequence, prepared by Stephen Balcewicz, B.C. Engineering & Survey, Inc., dated August 7, 2023, 1 page.
- Comments — Planning, Zoning, Ann Morgan, Director of Planning & Economic Development, August 7, 2023, 1 page.
- Construction Narrative, prepared by Stephen Balcewicz, B.C. Engineering & Survey, Inc., dated August 7, 2023, 1 page.

27 Bates Grove Road:

- Request for Determination of Applicability, August 8, 2023, 3 pages.
- Certified Abutters List, August 8, 2023, 3 pages.
- Comments — Planning, Zoning, Ann Morgan, Director of Planning & Economic Development, August 8, 2023, 1 page.
- Public Meeting Notice, August 21, 2021, 1 page.
- BRP WW 06 Simplified License Application, August 8, 2023, 2 pages.
- Project Description, August 8, 2023, 1 page.

25 Colonial Road:

- Request for Determination of Applicability, August 8, 2023, 3 pages.
- Plan of Land, prepared by Land Planning Inc., December 4, 2008, 1 page.
- Public Meeting Notice, August 21, 2023, 1 page.
- Plan; Proposed Addition Mr. & Mrs. Brian Bohenko, 5 pages.
- Comments — Planning, Zoning, Ann Morgan, Director of Planning & Economic Development, August 8, 2023, 1 page.
- Construction Sequence, prepared by Biando Builders, received August 8, 2023, 1 page.

Webster Conservation Commission
Meeting Agenda
August 21, 2023

- Hand Drawn Measurements, received August 21, 2023, 1 page.

New England Power Company NOI:

- Notice of Intent; prepared by BSC Group, received July 27, 2023, 12 pages.
- Project Narrative; prepared by BSC Group, July 27, 2023, 7 pages.
- Site Photos and Wetland Data, prepared by BSC Group, July 27, 2023, 9 pages.
- Public Hearing Notice, August 21, 2023, 1 page.
- Certified Abutter List and Associated Documents, July 27, 2023, 20 pages.
- EG-303NE Best Management Practices, prepared by National Grid, July 27, 2023, 26 pages.
- Maps and Site Plan; prepared by BSC Group, July 23, 2023, 4 pages.
- Email; MassDEP, Notification of Wetlands Protection Act File Number, July 27, 2023, 1 page.
- Proof of Certified Mailing, Alison Milliman, August 21, 2023, 7

pages. 67 Colonial Road:

- Email; Enforcement Order Follow Up, January 4, 2023, from Ann Morgan, 1 page.
- Enforcement Order follow up, January 3, 2023, from Ann Morgan, 3 pages.
- Email; Meeting date Change; March 20, 2023, from Ann Morgan, 1 page.
- WPA Form 9 — Enforcement Order, December 6, 2021, 4 pages.
- Enforcement Order follow up, December 9, 2021, from Mary Overholt, 2 pages.
- WPA Form 5 — Order of Conditions, Worcester District Registry of Deeds proof of Filing, March 5, 2021, 14 pages.
- Request for Continuance, David Arnold, January 11, 2023, 1 page.
- Photos; August 1, 2022, 17 pages.
- Hand Drawn Plan, prepared by Paquette Designs, March 10, 2023, 4 pages.
- WPA 5 - Order of Conditions, 323-1194, February 22, 2021, 15 pages.
- Letter of Expectations, Dawn Portman, April 27, 2023, 1 page.
- Enforcement Order Response and Mitigation, EcoTec, Inc., May 10, 2023, 6 pages.
- Email; from Stephen Poole, June 26, 2023, 8 pages.
- Conservation Issues, & Proposed Resolutions, August 18, 2023, 3 pages.
- Plot Plan; Levesque Geomatics Inc, received April 20, 2023, 2 pages.
- Email; Mass DEP Waterways, July 7, 2023, 2 pages.
- Email; Request to Continue, from Stephen Poole, July 21, 2023, 1 page.