

**Town of Webster  
Conservation Commission  
Minutes of the Meeting – October 24, 2022**

A meeting of the Conservation Commission was held on October 24, 2022, in person at the Town of Webster Selectman Meeting Room.

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

**Absent:** Dan Duteau

**Staff:** Tracy Coporale, Recording Secretary

Meeting called to order: 5:43pm

**Public Meetings - Request for Determination of Applicability (RDAs)**

**55 Wakefield Avenue** – Repair of a retaining wall. Robert & Nancy French (Applicant) (continued from 10/3/22). Mr. Brown motions to continue 55 Wakefield Ave to the November 7, 2022 meeting. Mr. Bock second. Votes all in favor by roll call vote.

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

**314 Killdeer Road** – Removal and replacement of an existing retaining wall. Dr. Robin Jewell (Applicant). (continued from 10/3/22) Dr. Jewell recuses herself. Glenn Krevosky is representing the applicant. No DEP# yet. They moved the access way to the northeast because it's not feasible to hook it to the left hand side of the property as you're looking at the lake. They are saving the tree. They are still using the mini excavator on the lower tier and the larger excavator up above. They are using 2 dewatering pits instead of 1. Mr. Bock visited the property. The updated plan shows the offsets and the wall will go in the exact position. Showing first plan. There's no fill in the flood plain. Chapter 91 isn't necessary because they are not filling in state property, however, safe guards will be in place. The wall is going in the exact same place and not going into state property, they are not in the 480. Only Chapter 91 is for the dock. Mr. Krevosky is requesting a continuation. Mr. Brown motions to continue 314 Killdeer Road to the November 7, 2022 meeting. Mr. Bock second. Votes all in favor by roll call vote.

**0 Thompson Road (aka 300 Thompson Road)** – Construction/expansion of a commercial parking facility. Three Hundred LLC (Applicant). (continued from 10/3/22) Rory Duquette, Lakeview Marine, present. Stephen Balcewicz, BC Engineering & Survey, representing the applicant. Nick Adamopoulos, present asks for a continuance due to just receiving the EcoSystem Solutions report and hasn't had a chance to review it. Greg Lacroix, EcoSystem Solutions, present. The peer review report from Ecosystems Solutions has been put on the website, however there are several items missing. Mr. Lacroix explains the findings: Brandon Faneuf, EcoSystem reviewed the property and prepared the report. Mr. Faneuf made some adjustments and added a finger from A24 and A25 with an extension to the BVW. He also requested the high-water mark be added to the plan, which was done. First question, it's unclear whether or not a storm water basin can go inside a filled BVW. Mr. Lacroix is reading from Mr. Faneuf's report. They shouldn't put a basin inside a BVW so it will have to be pulled out. Showing the plan. If they are filling the BVW they are allowed up to 5000sqft however, an alternatives analysis is to be provided. As far as the riverfront area, do not do work in the riverfront area without exploring all options

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and an alternatives analysis is provided. Lastly, Mr. Lacroix addresses the 7 requirements which deals with filling the BVW. It's important to make sure the filled BVW area and the replicated BVW are connected, to ensure the level function for public interest as the filled wetland did. EcoSystems agree with the line. There's a potential vernal pool to the northwest of flag A7, however, because there's no bylaw the protection of the vernal pool only goes up to the BVW and it's not the area in which they are filling the BVW. No other vernal pools found. Mr. Wigglesworth mentions again that this report can be found online. He then addresses Mr. Balcewicz, to provide the alternatives analysis done. He quotes the section that states the standards under the WPA, which essentially say that you can't fill or alter in the riverfront area for discharges. He encourages Mr. Balcewicz to take that into account to relocate the discharge basin. Mr. Balcewicz explains that he talked to Mr. Faneuf before reviewing the report and hasn't reviewed it thoroughly. Mr. Wigglesworth explains that there's not a lot of protection for the riverfront, but the best practice is to avoid, minimize, and mitigate. They need to move the detention basin somewhere other than in the BVW zone. Mr. Balcewicz and Mr. Faneuf should work together for the best analysis for this. Mr. Balcewicz revised the NOI and shows the revised fill areas and the riverfront. They are filling very little in the 100ft, which is the crucial area. They are talking about being between the 100-200ft buffer zone and he put the numbers on the revised NOI. That includes the detention basin. Mr. Wigglesworth comments that it's a sensitive area and needs more communications done for the state. According to the state the best thing to do is avoid, minimize and mitigate. Ms. Sherillo asks if 5000 is the magic number or is 10% less than that? Mr. Lacroix, responds with whatever is greater. She also asks, could you tell me the criteria for wildlife evaluations? Mr. Lacroix will check for the answer on that. Ms. Bartholomew asks, what was done to address the requirements from the CHA letter dated 9/23/22? Mr. Balcewicz explains that there hasn't been a meeting with the planning board yet. They have addressed the issues from the first peer review letter. Mr. Eaton had a second peer review letter and next Monday is their first meeting. Ms. Bartholomew also asks about the operation and maintenance plan and adding benchmarks instead of saying "as needed" as far as cleaning the basins of silt, which was also requested at the last meeting. The planning board has more to do with maintaining the storm water, but the conservation commission can work that out in the near future. The NOI should have been revised to reflect the riverfront.

Mr. Bock motions to continue 0 Thompson Road (aka 300 Thompson Road) to the November 21, 2022 meeting. Dr. Jewell second. Votes all in favor by roll call vote. Mr. Brown exercises the Mullins Rule of Certification using the meeting minutes' transcript.

**0 Birch Island Road/Pout Pond** – Pout Pond Nuisance Vegetation Access Plan for the Previously Approved Aquatic Vegetation Management Plan. Webster Lake Association (Applicant) – Ms. Sherillo reads the hearing notice. Showing plan. Chuck Eaton, Town Engineer is present. He has provided a report. Paul LaFramboise, present. Mr. LaFramboise explains that DEP has funded Webster Lake Association to remove some weeds from the Pout Pond access to Treasure Island and in order to facilitate this work they need a place to put the weeds, so they will be using the Barry Equipment property to stock pile the weeds. They need an access road to bring the equipment into the area. It's straight forward except for the one area of a wetland crossing which is across from Barry Equipment's parking lot. DEP has comments and Mr. Eaton explains, it's a joint project between the Town of Webster and the Webster Lake Association and in order to access the upland area to dewater the vegetation using the Barry Equipment property, there's a stream crossing to the upland area where the dewatering and disposal will take place. (Mr. Eaton is pointing to the areas on the map). They are looking to have a temporary access road made up of riprap and crushed stone on top with an underlay of geotextile to protect the surface underneath. They will use swamp mats at the stream crossing, which are easy to remove when they are not needed. The access road can be adjusted slightly to reduce tree clearing. There will be a sedimentation basin located west of the access road. The area east of Rt 395 contributes drainage which

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forms the stream that runs towards Pout Pond. The runoff from Rt 395 creates a lot of sediment and they would like a low point to collect the sediment. The WLA is planning on installing as part of this project. This will be a temporary impact to the wetlands. The upland area is cleared at this time. They will excavate a depression to leave the vegetation piled up to be dried out until they level and regrade in 2-years. They are asking for a continuation because DEP asked for a wildlife habitat study and the 401 water quality. No DEP#. The detention basin will be a depression prior to the temporary stream crossing that would end up filling up over time with the highway runoff. With the exception of a little excavation there's no alteration to the wetlands. Ms. Sherillo asks, how is it maintained if it's catching sediment off of Rt 395? Mr. LaFramboise explains that it will be accessed through Barry Equipment to maintain it in the future. This request is for the temporary access road. They may have to come back before the conservation commission with a request for a more permanent solution in the future. DEP has only funded to do the road access portion. In the future either DEP or DOT should help out more to correct some of these issues. DOT isn't helping at this time. Mr. Wigglesworth asks about putting some crushed stone along the depression to help protect the area. Mr. LaFramboise would like to line it with riprap, however the work is specific to the weed removal and not adding stone. Ms. Sherillo would hate to see the depression catching sediment and having no maintenance on it. Hopefully by the time it fills up there will be a plan to fix the problems that are currently there. Mr. LaFramboise would like to see DOT step up and fix what they did 50 years ago, however, he doesn't have a problem with the idea of adding some crushed stone or something when they are finished. The temporary road will be there for a couple of years. Once the weeds dry up and they spread them out and grade it they will then remove the swamp mats. Ms. Sherillo asks if the hydro-raking is a separate NOI? Pout Pond is not on the Webster Lake NOI or under the order of conditions. She is looking for the documents that explains how the hydro-raking will be done. Mr. LaFramboise explains that the hydro-raking has been approved. They can't provide the additional information until the roadway has been approved. When they get the DEP#, they will come back with the description for the hydro-raking and the process of piling the weeds and regrading it. Mr. Brown asks if the swamp mats will be removed and put back when they go back in a year or two after the hydro-raking is done? Mr. LaFramboise explains, yes, they will be removed and replaced when they are ready to go back within a 2-year period. Ms. Bartholomew asks about maintaining the grass swale running parallel to Rt 395 which is eroded and jagged, this was something discovered during her visit to the property and they talked about armoring that swale, is that in the works? Mr. LaFramboise explains, they are trying to limit what is being done on this NOI directly to the weed removal because there's no money to do anything else at this time. They are hoping to work with DOT to fix their problem in the future. Ms. Bartholomew mentions that DOT should have their own NPDES permit and should address the catch basin sediment that empties into a wetland. She is concerned about the resolution of the grass swale that is eroded and will continue to add sediment into the pond. Ms. Bartholomew also asks for clarification regarding the stream crossing, this should be labeled. Yes, it's labeled as "wetland crossing". Ms. Bartholomew references the green perimeter and is familiar with the area where the vegetation will be removed, however, she asks if the contours are proposed contours? And is the drying out area in the wetland? No, it's all existing contours. And no, the drying out area is outside of the wetlands outside of the green circle. The green lines encompass the drying area near the wetlands. Lastly, Ms. Bartholomew asks about the culvert closer to Barry Equipment at the road crossing which is filled with sediment, is that being cleaned out? Not with this project. Mr. Brown motions to continue 0 Birch Island Road/Pout Pond Project to the November 21, 2022 meeting. Dr. Jewell second. Votes all in favor by roll call vote.

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**Action Items**

**300 Thompson Road** - Certificate of Compliance DEP#323-1004. Original commercial parking facility. Three Hundred LLC (Applicant) (continued from 10/3/22). Rory Duquette, Lakeview Marine, present. Nick Adamopoulos, present. Showing plan.

Mr. Brown motions to issue the Certificate of Compliance for 300 Thompson Road. Mr. Bock second. Votes all in favor by roll call vote. Mr. Brown exercises the Mullins Rule of Certification using the meeting minutes' transcript.

**18 West Wind Drive** – Certificate of Compliance DEP#323-1107. Modify existing retaining wall and patio. Mark Gardell (Applicant). Ms. Sherillo motions to continue 18 West Wind Drive to the November 7, 2022 meeting. Mr. Brown second. Votes all in favor by roll call vote.

**6 Black Point Road** – Certificate of Compliance DEP#323-1165. Construction of a new house. Michael Hopkins (Applicant)

**8 Black Point Road** – Certificate of Compliance DEP#323-1164. Construction of a new house. Michael Hopkins (Applicant)

Showing plan dated Oct 10th. Mr. Balcewicz, BC Engineering & Survey, representing applicant. He understands that the commission wants to know what has changed on the property and this should reflect on the As-built. He explains that the As-built submitted shows the contours, the hatched area, which demonstrates the area additionally paved on both lots, plus the engineering stamp. He added the 250sqft on the revised plan on lot #6. Ms. Sherillo asks about the percentage of the saved vegetated area? Mr. Balcewicz explains the high water line is left vegetated and from the retaining wall to the front corner on the left remains vegetation. Ms. Sherillo comments that it looks paved. She is comparing the plans showing the driveway and looking at the As-built and it all looks paved. Mr. Balcewicz believes they met the criteria because the square footage of the lots are 5407sqft. If you look at #6 standing on the road looking at the water on the left it remains vegetated. Mr. Wigglesworth comments looking at the plan, the driveways come right to the garage and now they spill over to the side. Aren't there supposed to be plantings and vegetation? This changed and it needs to be shown on the As-built. If the driveway was expanded you're bring down the vegetation and expanding the pervious calculation on the lot. Does that X'd out area on the right, make up for the driveway expansion? Mr. Balcewicz stated, yes, that was the paved area that was over and above what was proposed and I did the square footage. Previously, I had shrubs that were supposed to be planted in those areas. He planted the required shrubs elsewhere. Ms. Bartholomew comments that an As-built should show changes on top of the original plan. This should be done with all As-builts so the burden isn't on the board to figure out what has changed. Mr. Balcewicz explains that the only area that changed is the hatched area which is now paved. The building is the size that is shown on the proposed. The location is as shown. The walls are as shown. The cultec chambers are as shown. The changes are on the As-built. Ms. Sherillo explains, that lot #86 looks like the house changed. She is explaining how she compared the lot from how it was and the things that changed and feels there needs to be a better way to have a clear indication of the differences. Mr. Wigglesworth states that it would be good if there's an overlay in red so the commission isn't fishing around for what changed. It should be clear that some things have changed, maybe a punch list would be helpful. Mr. Balcewicz asks Ms. Sherillo to explain why she feels that the house has changed? House #8, lot #86 is 48x28, the As-built says it's 61x28 with a cutout. They enclosed under the deck. Mr. Brown & Ms. Sherillo are asking for clarification while looking at the plans with Mr. Balcewicz, and discussing why the size of the house is different. They are suggesting to Mr. Balcewicz to make a list of the things that changed to clarify it so they can close out the file. The deck is impervious. Mr. Balcewicz will revise the As-built. The board would like to look at it in layers. Ms. Sherillo asks, when they register the certificate of

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compliance, how are they going to register it to be sure it goes with the address correctly? So the commission can keep track of the ongoing conditions with the real addresses? Mr. Balcewicz explains that he noted on the As-built the lot# and the house# so they can reference it.

Mr. Brown motions to continue 6 Black Point Road and 8 Black Point Road to the November 7, 2022 meeting. Ms. Sherillo second. Votes all in favor by roll call vote. Mr. Brown exercises the Mullins Rule of Certification using the meeting minutes' transcript.

**891 School Street** – Certificate of Compliance DEP#323-1150. Construction of a new single family house. Robert Borski (Applicant), present. Mr. Brown abstained from conversation. Mr. Borski has an As-built. Mr. Wigglesworth visited the property. He feels that the setbacks are good. Everything looks good. They pulled out the erosion controls on the right side. There should be 5 wetland markers, but they only see 3. Showing plan. Yes, 3 were installed not 5. The plaques are there. The plantings are in. Ms. Bartholomew asks about the bounds that are required. The markers are in the bounds. Need changes to the conditions regarding the driveway and the deck. The proposed 12x46 on the January plan As-built, they moved the house back. The width of the driveway wasn't shown on the old plan. Mr. Borski should show the deck dimensions and the driveway dimensions on the As-built. Sign and date it, then drop it off at the office. Ms. Bartholomew asks if there was a request for a letter regarding changes in the order of conditions under special conditions. It's listed in there.

Ms. Sherillo motions to continue 891 School Street to the November 21, 2022 meeting. Mr. Bock second. Votes 5 in favor, 1 abstained, by roll call vote. Mr. Brown abstained.

**9 Loveland Road** – Minor Modification DEP#323-0993. Retaining wall reconstruction. Stanley Ciesla (Applicant). Matt Morro, environmental consultant representing applicant. Showing plan. Mr. Morro explains, the order of conditions is for the rebuild. Part of the work that is not on the plan is taking out an existing retaining wall and putting one back exactly in the same spot. The sketch shows a block retaining wall with a cap, 24x48 with one block buried. He has a construction sequence. He reads from the construction sequence; the corners will be staked, the wall is 80ft long, it averages 3ft high, not higher than 4ft. The wall won't be beyond 480. It will be pushed 3ft back. Showing plan. They are creating more water storage. Excavating down about 6-inches from where the wall is going in with ¾" stone for drainage and level the first stone. Any disturbed areas will be loomed and seeded for stabilization. The commission would need to visit the site before commencement of the wall then will need to review the site again once the wall is complete and everything is stable to give approval to remove the erosion control. Mr. Morro has a drawing of the wall and will meet with the contractor. Mr. Bock asks about the current wall and measurement on the drawing which reads 479.5, the measurement needs to read differently? Mr. Morro will adjust it to read digging down 1ft bringing it up 6-inches and then putting the block in. Mr. Brown asks about the current elevation of the land, is it at 480? Yes. They are maintaining elevations, but bringing it back 3ft and restoring the grades. So the edge of water shown on the sketch is the location of where the existing wall was? Yes. Mr. Morro makes the modification per the board's requests on the plan. He also changes the construction sequence and initials it. Mr. Morro will work with Mr. Ciesla and the contractor during preparation to construct this wall. The turbidity curtain will remain in place. The footings that are still there are from the previous wall. Mr. Morro is adding to the construction sequence that all remnants of the former wall are to be removed. Mr. Morro will add notes to the plan to match the construction sequence which will satisfy the comments from the board.

Dr. Jewell motions to approve the Minor Modification for 9 Loveland Road. Mr. Bock second. Votes all in favor by roll call vote. Mr. Brown exercises the Mullins Rule of Certification using the meeting minutes' transcript.

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**Approval of Meeting Minutes**

Ms. Sherillo motions to approve meeting minutes of October 3, 2022. Mr. Bock second. Votes 5 in favor, 1 abstained, by roll call vote. Mr. Brown abstained.

**Vote to Authorize Parties to Sign for, as and on Behalf of the Commission Members and to Use Electronic Signature Where Applicable.** This vote is to allow Ann Morgan, Joseph Wigglesworth, and the new Conservation Agent to sign on behalf of the Conservation Commission and to use electronic signature where applicable. Ms. Morgan is showing the format on the screen.

Mr. Wigglesworth reads Motion 1:

I move to authorize the Town of Webster Director of Planning and Economic Development of the Town of Webster Planning and Conservation Department, presently Ann V. Morgan; the Chairman of the Conservation Commission, presently Joseph Wigglesworth; the Town of Webster Conservation Agent; and their successor(s), whomever they may be, to physically sign documents issued by the Conservation Commission under the Wetlands Protection Act, G.L. c.131, §40 including, but not limited to Orders of Conditions, Determinations of Applicability, Certificates of Compliance, Emergency Certifications, Enforcement Orders for, as and on behalf of individual Conservation Commission members when so authorized by a majority vote of the Commission at a duly posted meeting.

Mr. Brown motions to approve the signing. Mr. Bock second. Votes all in favor by roll call vote.

Mr. Wigglesworth reads Motion 2:

I move that the Conservation Commission hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. Mr. Brown motions to approve the signing. Mr. Bock second. Votes all in favor by roll call vote.

**Old Business Discussion Items**

**Goddard Street** – Lots 1 and 2; Violation DEP#323-1197. Construction of two single family houses. Elijah Ketola (Applicant). Mr. Wigglesworth met with Mr. Morro on the 12th. Showing photos of the property. Mr. Morro, is present. National Grid was hooking up utilities while the stop work order is still in place. Work has continued. The wetlands have overgrown invasives. The photos show the stock pile on the property which is not stabilized and not in good shape. There are 2 silt fences in place. There's water running down in between the houses due to erosion gullies that formed. There are photos of the neighbors building a shed and throwing scrap wood in the wetlands. This all needs to be addressed. The driveway is between the 2 homes catching run off from the driveway across the street and this run off flows into the wetlands. The property is not in good shape. Mr. Morro has spoken with Mr. Ketola (owner of the property). He had an engineer do some an As-built to propose and submit engineered plans with current water roof run off. There is an area that will be cut out and they will remove anything that doesn't belong by November 4<sup>th</sup>. The engineer is to revise the plans and submit them to the board by November 1<sup>st</sup>. They have an area that will be reseeded by April 2023. They have a silt sack that will be put in and left until spring. They will be skimming the silt out in the spring. They will have erosion protection to protect the wetlands. Mr. Bock suggests the drivable lawn to Mr. Morro. The engineer is proposing corrective action for the November 7<sup>th</sup> meeting. Friday, November 4th the wetland will be prepped. By November 7<sup>th</sup> the proper signs will be in, the area will be cleaned, they will have a plan for storm water run-off, and they will have the wetland cut out and cleaned out and prepped. Per Mr. Morro, Mr. Ketola stopped working on the property. The order of conditions may not have been recorded at the

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registry. Mr. Wigglesworth is concerned about the sale of these houses. The board is asking for a spill kit to be on site if equipment is being used. Mr. Morro will write up a punch list of the deadlines of work being done.

Mr. Bock motions to adjourn at 8:47. Ms. Sherillo second. Votes all in favor.

**Documents:**

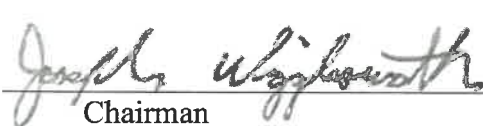
314 Killdeer Road Revised Plan	Dated 9/16/22	Pages 2
300 Thompson Road Certificate of Compliance Revised As-built Plan	Dated 9/28/22	Pages 1
300 Thompson Road Revised Site Plan	Dated 8/1/22	Pages 10
0 Birch Island Road/Pout Pond Nuisance Vegetation Access Plan	Dated 9/26/22	Pages 2
6-8 Black Point Road As-Built Plan Stamped	Dated 10/12/22	Pages 1
891 School Street As-built Plan	Dated 8/23/22	Pages 1
9 Loveland Road Wall Repair Plan	Dated 9/26/22	Pages 1
Construction Sequence & Plan	Dated 10/24/22	Pages 3

**Next Meeting Date: November 7, 2022 – Webster Town Hall**

Respectfully submitted,

Tracy Coporale  
Recording Secretary

Conservation Commission Approval:

  
Chairman

Date: 11/7/22

REC'D WEBSTER TOWN CLERK  
NOV 28 '22 PM 5:56

