

**Town of Webster
Conservation Commission
Minutes of the Meeting – February 6, 2023**

A meeting of the Conservation Commission was held on February 6, 2023, in person at the Town of Webster Selectman Meeting Room.

Attending: Chairman, Joey Wigglesworth, Vice Chairwoman, Michelle Sherillo; Members; Fred Bock, Karen Bartholomew (via remote participation), Dr. Robin Jewell

Absent: Members; Hayden Brown, Richard Parent

Staff: Ann Morgan, Director of Planning & Economic Development
Tracy Coporale, Recording Secretary

Meeting called to order: 5:35pm

Public Hearings - Notice of Intent - NOI

46 West Point Road – Repair of existing retaining wall DEP#323-1244 – Jason Tubo (Applicant) (continued from 1/9/23). Mr. Dan Berthiaume, Contractor, is not present to represent this applicant. Mr. Wigglesworth will reach out to Zac Bless to see if there is anything to discuss further. Mr. Tubo may have to withdraw his application without prejudice. Dr. Jewell motions to continue 46 West Point Road to the March 13th meeting. Ms. Sherillo second. Motion passed unanimously 5-0 by roll call vote: Ms. Sherillo – AYE, Mr. Bock – AYE, Dr. Jewell – AYE, Ms. Bartholomew – AYE, Mr. Wigglesworth – AYE.

Action Items

50 Laurelwood Drive – Request for Modification Chapter 91 Dock; DEP#323-1224 – Remove original wood dock and install a new dock. Peter and Suzette Coppola (Applicant/Owners), they are present. They have submitted all the forms and paperwork. The Board is reviewing the paper copies. Ms. Coppola explains, it is the same dock layout. When they bought the house the dock was falling apart and needed to be replaced. Ms. Bartholomew asks for clarification; “what constitutes a modification vs an amendment as far as a dock?” “Was the original order for this property address the installation of a dock?” Mr. Coppola explained that the current dock was broken and under water and they had one year to replace it. Ms. Bartholomew asks, is this the property that had a Chapter 91, but does this dock became void once the property ownership changes? Ms. Sherillo states, it does not become void, it is associated with the property. Ms. Coppola states that they were told they had one year to renew the license so that is why they are going through the process again. Ms. Sherillo explains they should have had a condition that they had to register the dock. They are putting in a retaining wall so the dock is part of this process. Ms. Bartholomew did not see anything in the order of conditions that referred to a dock. Her question is; is this a modification or an amendment? Mr. Wigglesworth explains, it is in the exact same footprint of the broken dock, so it is just a modification because they are just replacing it with an aluminum structure. They currently don’t have a Chapter 91 license. Ms. Bartholomew is still questioning the definition and requirements for an amendment vs a modification. Mr. Bock explains his interpretation and he feels this is just a minor modification.

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Ms. Bartholomew further explains she looked up this definition with the state and doesn't feel this qualifies as a minor modification. Mr. Wigglesworth explains that minor modifications are up to the Commission and they have been doing minor modifications on the dock licensing and rolling them into open permits because Webster residents are now learning that they need to have a dock permit, so we have not been putting undo financial liability to the residents of Webster. It depends on the size of the structure and it depends on whether there is adverse impact and several other factors. It can go either way, but it's just a dock so it's a minor modification. Ms. Bartholomew still has concerns of the language for the public meeting notices and how abutters are notified. Mr. Wigglesworth further explains that when the permit gets rolled into an NOI, at that point, the abutters are notified of what is taken place on the property including a dock. Ms. Bartholomew doesn't see it addressed in the order of conditions or NOI. Mr. Wigglesworth notes that an RDA doesn't need abutter notification. Dr. Jewell asks, is your dock U-shape? The dock should be in the middle of the property. Yes, there is 90ft of frontage. Ms. Coppola explains that the orders of conditions was done and the Chapter 91 was carried over from the old owners. There was also a newspaper ad for the Chapter 91. Their distances are good and the ramp is centered. The public access is mapped out on the engineered plan. Their gangway lands on the wall. They have the side view and how it's connected to the bottom. Dr. Jewell motions for approval of the Minor Modification for the Chapter 91 dock permit for 50 Laurelwood Drive. Mr. Bock second. Motion passed unanimously 5-0 by roll call vote: Ms. Sherillo – AYE, Mr. Bock – AYE, Dr. Jewell – AYE, Ms. Bartholomew – AYE, Mr. Wigglesworth – AYE.

1 Longview Avenue (aka 0 Gore Road) - Request for an Extension of Order of Conditions, DEP#323-1057; Thomas Gadbois (Applicant/Owner).

Ms. Sherillo motions to continue 1 Longview Ave to the March 13th meeting. Mr. Bock second. Motion passed unanimously 5-0 by roll call vote: Ms. Sherillo – AYE, Mr. Bock – AYE, Dr. Jewell – AYE, Ms. Bartholomew – AYE, Mr. Wigglesworth – AYE.

302 Killdeer Road – Request for Modification; DEP#323-1185 – Change in retaining wall layout. Chapter 91 dock. Maureen Cimoch (Owner). Cameron Smith is present. Showing the dock layout. Mr. Wigglesworth is explaining that Ms. Cimoch had a retaining wall that fell into the water. Mr. Smith proposed changing the backyard layout. He kept the wall the same at the shoreline and kept the stairs in the same location at the shoreline. He has historical photos of the stairs. The dock is actually all the way to the right facing the water because there are several tree stumps in the water directly out from the property, which is why the dock is in the location it is in. There was a site visit and they were given an emergency order to fix the wall. The new dock steps are off to the side due to stumps in the water. Dr. Jewell asks about the neighbors being okay with the dock being closer to their side? Yes. The dock is about 40ft going straight out. It is almost the same footprint and matches the historical photos. It's connected to a 1ft lip on the wall. Ms. Bartholomew isn't sure what is being asked for? Are there modifications to the wall? Mr. Wigglesworth explains, no the wall is done. They are satisfying the last item on the order of conditions which is the Chapter 91. The square footage is 160. The mean high water mark is on the plan at 480. Mr. Smith should note the 480 on the plan for DEP. He has the top view, top of the wall. Dr. Jewell asks, what is the dock made of? Aluminum and plastic and goes straight out. Ms. Sherillo doesn't see the property line next to the stairs and explains how Mr. Smith should add the lines to the plan. Mr. Bock also mentions that Mr. Smith should note to the state

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that there are stumps and it's a historical dock. Ms. Bartholomew suggests adding the depths of the water to meet the minimum of 18 inches. Mr. Smith needs to show the water depth at the end of the dock. He also needs to be sure his name, address and number the pages, with any revision dates for referencing purposes. Dr. Jewell explains to Mr. Smith why there is a need to document these changes for future referencing and as to why the dock is the way it is. She asks, how far is the dock from the wall? It connects directly to the wall. Ms. Bartholomew recommends not approving plans if they are not complete. Mr. Smith will make the changes and submit the new plans before the next meeting on February 27th. Dr. Jewell motions to move 302 Killdeer Road to the February 27th meeting. Mr. Bock second. Motion passed unanimously 5-0 by roll call vote: Ms. Sherillo – AYE, Mr. Bock – AYE, Dr. Jewell – AYE, Ms. Bartholomew – AYE, Mr. Wigglesworth – AYE.

9 Loveland Road – Request for Permit Extension; DEP#323-0993 – Requesting a 3-year extension. Stanley Ciesla (Owner). Mr. Ciesla is present. Mr. Matt Morro is representing Mr. Ciesla. The order of conditions was issued for a single family home. There was an approval for the retaining wall change, but the work hasn't been done. Mr. Morro feels three years would be an appropriate amount of time to get everything done that needs to get done. This is the third extension; however, he is working and getting the project done. There's no change in the regulation that would effect this order and no change in the wetland delineation so giving an extension isn't going to make a difference because the same standards will apply. Mr. Ciesla isn't positive he can get everything done with a 1-year extension. Mr. Wigglesworth recommends a 2-year extension due to the circumstances and the pandemic happenings. Mr. Bock motions to extend the permit for 9 Loveland Road for 2-years. Dr. Jewell second. Motion passed 4-1 by roll call vote: Ms. Sherillo – Nay, Mr. Bock – AYE, Dr. Jewell – AYE, Ms. Bartholomew – 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. He has submitted the punch-list based on the notes discussed previously. He has taken current photos. They installed the steel bollards around the fire hydrant, but they still need to be inspected by the fire department. The juke matting has been placed over the storm water structures. They didn't place juke matting in the entire front yard, but has been instructed to add more and it is pinned down. They put the rock berm between the homes. They used small boulders that blend in. The erosion control has been maintained. The restoration plan is being updated. The replication area shall be cleaned up of any former siltation before spreading the top soil. Mr. Morro will update the Board bi-weekly with an email and photos along with his e-signature. The gutters are tied in. The rip-rap splash pads are done. Mr. Wigglesworth asked if there is clarification from Mr. Tetreault, Building Commissioner, regarding the downspouts connecting to the foundation drain? The understanding is this can't happen. Mr. Morro doesn't have the answer yet. The placards will be cemented in. Mr. Wigglesworth asks, is there a way to protect the drain in the wetland? Mr. Morro suggests to add this to the certificate of compliance as a condition for the homeowners to maintain and protect this drainage. There are concern of objects finding their way into the drainage. Mr. Morro will ask the engineer if there is some kind of screen or another protection to prevent things from entering this drain. Mr. Morro is

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explaining what each photos are showing. The juke matting is pinned down and looks good, but they need some added. The boulders are in place. The photos show all the work that was done. Mr. Morro will have them take the drains out if Mr. Tetreault determines is not legal. The backyard is full of hay to be sure it's stable. Mr. Morro is explaining all the work photo by photo. Mr. Wigglesworth asks, is there a stone berm at the top? There is a concern of the water flow coming down the road. Mr. Morro is explaining that there's an edge at the driveway and the rain flow isn't going into the driveway, it's going down Goddard Street, it's staying on the street. The DEP signs are in. Dr. Jewell asks, is the erosion controls staying in place until the grass grows? Yes. They can't take them out before the Commission gives them permission to. Mr. Wigglesworth comments that the Board is happy with having bi-weekly inspections. They are glad that the gutters are up, but there will need to be a change to the gutters. There will be another placard added as Mr. Morro explains, there is an area that is not wet and there is pre-existing grass but no boulders proposed or anything called for so he feels a placard should be added for notification of the wetlands. Mr. Morro asked the engineer to start doing the As-built on the storm water chambers and the grading. He will update the punchlist:

- to finish restoration plan
- submit erosion control photos
- settle the issue of the downspouts
- be sure the placards are cemented in
- confirm the bollards are good with the Fire Chief
- check with the engineer for screening or protection of the pipe in the wetlands.

Continue Goddard Street to the February 27th meeting.

137 Gore Road – Construction of a trench – Stop Work Order – Mr. Mike Laramie (Owner). This property is formally known as Twisted Piston. Mr. Laramie is present. Mr. Wigglesworth hasn't heard back from the LSP as far as the timeline? What is coming out? When will it be done? Mr. Laramie says there was a summary done a while back. Mr. Wigglesworth talked to Dino and Andy and a sequence was to be provided for review and a site visit done before the emergency certificate is issued. Then the work can commence. Mr. Laramie thought the LSP had submitted the information. The soil test results came back and it supported that there were only two areas of contaminated surface soil in a 2ftx2ft area. Two drums of soil shall be removed. Test results went to the state. Last Friday Dino advised Mr. Wigglesworth that the tests were within limits and everything is safe. Mr. Wigglesworth wants the sequence of the soil removal. This work will be done under the emergency certificate. Once removed they will test the soil again, fill in the trench, regrade the property with fresh stone and remove the trash by the culvert. Mr. Laramie suggests putting some stone dust and/or something by the culvert to help keep it clean and free of trash for easy clean up. He is glad the soil tests came back within limits. He is hoping this will begin to help the property look better in the town. Mr. Wigglesworth asks, has Andy or Todd done any work? Mr. Laramie, no they haven't. He told them no work is to be done until they have the stop work order lifted. Mr. Wigglesworth suggests Mr. Laramie forward the sequence to him and to the Conservation Agent. Upon getting the information from the LSP, a site visit will be done and they can issue the emergency certificate, so the work can commence. Mr. Laramie asks about paperwork of this property showing that it was a gas station back in the 60s. Contact DEP, waste side cleanup. Dino from DEP suggests Mr. Laramie hold onto all the records for 5-10 years. Mr. Wigglesworth suggests to Mr. Laramie to deal with the contamination first as it is a separate issue. The trenches can be filled in, second. Mr. Laramie

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will need to file an RDA to regrade and clean up near the stream. He will submit a drawing of the property and what exactly he wants to do, for example, cleaning near the street. Mr. Laramie wants to make it look nice and do what he needs to do. Boulders are a good choice. Mr. Wigglesworth explains that the downspouts will need to be part of the RDA. Mr. Laramie doesn't want to pave anything just put some 6" stone for the flow of water and doesn't feel the downspouts will be necessary. The Board likes the idea of stone to let the water flow, but suggests not putting stone dust.

Karen left meeting at 7:02.

Mr. Bock motions to adjourn 7:15. Dr. Jewell second. All in favor.

Next Meeting Date: February 27, 2023 – Police Station Community Meeting Room

Respectfully submitted,

A handwritten signature in cursive script that reads "Tracy Coporale". The signature is written in black ink and is positioned above the typed name and title.

Tracy Coporale
Recording Secretary