Town of Webster
Conservation Commission
Minutes of the Meeting – Feb. 25, 2019

Attending: Commissioners – Joseph Kunkel, Joseph Wigglesworth, Michelle Sherillo, Dan Duteau and Fred Bock.

Staff – Mary Overholt, Conservation Agent, Kelly Gorham, Clerk

Absent: Commissioners – Klarissa Johnson

Meeting called to order: 5:30 p.m. Location: Gladys E. Kelly Public Library Meeting Room

Meeting Minutes

Ms. Sherillo motion to approve the meeting minutes from January 24, 2019. Mr. Bock second. Vote all in favor.

Request for Determination of Applicability

12 Kenneth Ave. – This project is to build a deck, a landing and stairs to the Lake. – The deck will go out 5 feet with stairs down to a landing near a large tree. The tree will remain. Deck materials are composite with a pressure treated frame. They are not going to clear out the hillside. Any dirt that is removed will be carried up the hill in buckets. The bottom of the stairs will be on precast concrete. Ms. Sherillo would like the stairs back from the water. The brush should not be removed; it will act as erosion control. Mr. Wigglesworth suggest continuing until exact measurements are known. The dock should be registered under Chapter 91. The placement of the sono tubes needs to be marked. A site visit will be done after the snow melts. Mr. Wigglesworth motion to continue until measurements and the high water mark can be provided. Ms. Sherillo second. Vote all in favor.

14 Pebble Beach Rd. – This project is the removal of trees and is continued from Jan. 10, 2019 – Owner/Applicant Ken Haase is present. Mr. Haase had arborist Ryan Chadwick inspect the large pine tree near the house. Mr. Chadwick stated that the tree has structural decay and scarring. It is most likely rotten on the inside. They will use a crane to pull it out and grind the stump. A Colorado Blue Spruce, Yellow Birch or other native tree could be used for the replanting. Mr. Wigglesworth motion to issue negative determination of Applicability for tree removal at 14 Pebble Beach Rd. with erosion controls and a spill kit on site with the equipment. Mr. Bock second. Vote all in favor.

0 & 195-199 Thompson Rd. – This determination is for the removal of invasives and wetland flag review. – Glenn Krevosky is presenting. The yard has been growing in. There is a ductile pipe beneath route 395 which has about 2 feet of water in it. Mr. Krevosky’s team pulled out debris and the water level dropped 3”. He believes there is still water in the pipe because the phragmites swamp it is draining into is very tight and does not drain well. The yard on this property was in existence before 395 was built. They would like to clear out invasives. Lake Parkway drains into the area and there is a lot of sand. This will be continued to March 11, 2019. Mr. Bock motion to continue until March 11. Mr. Wigglesworth second. Vote all in favor.
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Notice of Intent

0 Juniper Ln. – Installation of Ground Mounted Solar Facility – This is continued from February 11, 2019 – Mr. Kunkel recuses himself. Evan Turner and Travis Brown from Andrews Survey & Engineering, Inc. are presenting and they have been working with Brandon Faneuf from Ecosystem Solutions Inc. They have improved the crossing and moved the wetland replication area. The plan has been modified to reflect a minimum of 25 foot buffer to the wetland and an 18 foot wide gravel access. Other changes to the plan have been made. The replication area is moved to the same side of the wetland. The retaining ponds at the southern end have been removed. The middle access is grass instead of gravel and the parking area is outside of the 50 foot setback. Ms. Sherillo asked about the tree cutting distance. The first tree cut is 25 feet from the wetland and no stumps will be removed. The fence has been raised for small animals to fit under.

The detention basins at the bottom of the plan have been removed because the peak runoff rate will not be increasing to those wetlands and the basins won’t be necessary. Mr. Wigglesworth is concerned about pulling the basins because the water from the west will be flowing to this plot. Chuck Eaton from CME Associates has reviewed this revised plan.

Mr. Faneuf, peer reviewer for the Conservation Commission, presents his findings. He checked the wetland line and where there were disagreements conferred with Arthur Allen who had delineated the line. Mr. Allen accepted his revisions. There are several potential vernal pools which have not been designated. Mr. Faneuf request that they perform inspections after ½ inch storm events, rather than after 1 inch events. They should provide the SWPPP to the Conservation Commission when it is available. The disturbed area will be hydroydeeded and no fertilizer will be used. They should make sure there are no invasive plants already in the replication area before the replication work begins and use invasive-free soil. Mr. Faneuf also suggests a vernal pool study, or we should just assume the pools are vernal. The construction inspection should be done immediately after construction is finished while the machinery is still on site, so it will be easier to fix anything if necessary. Wetland replication should be done first, before anything else. There is a 1:1 slope with riprap noted. Wild animals will have a difficult time climbing that slope and a 2:1 slope with grass is recommended. A wildflower mix will also be used.

Mr. Wigglesworth invited the audience to make any comments. Alicia Gusset, commented that the 50 foot buffer zone should not include fences, which is in the setback policy and asked if the DEP comments were addressed. The DEP comments were addressed as part of the wetland replication area. Ms. Gusset noted that the fence is long and could block the natural migration of larger animals. Breaks in the fencing could be proposed. Mr. Wigglesworth asks about the maintenance of detention basins. They will be mowed when they are dry. Mr. Turner thinks there is 100 feet between the vernal pools and stormwater. Mr. Faneuf states there is no possibility of vernal pools in the array area and there are no endangered species there. Edward Jezierski of 9 Juniper Lane states that he has a lot of water behind his house that is close to the project area. Ms. Gusset asked if there any protected species in the area. None are indicated on the map. Mr. Faneuf was evaluating the property in the winter when he would not have notice protected species. If a Vernal Pool study is done it could shed some light on this. The public comments are now closed.

Ms. Sherillo asks if the 100 foot setback is settled. Mr. Wigglesworth thinks a vernal survey is important. The setback needs to be 100 feet from the mean highwater mark of the vernal pool. Mr. Turner would like that to be part of the conditions; it would have to be an amendment. Mr. Wigglesworth is concerned with the water flow issues. Mr. Turner noted that the engineer planned it so no extra water will be
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released. There is no concern about drip line erosion. Ms. Sherillo asked about the fences within the 50 foot buffer and if there are any panels within the 50 foot buffer. The panels should be kept out of the 50 foot buffer and the fence should be 7 feet high. Fences should be at least 30 ft. from the wetland line, but closer to 50 if possible. A vernal study should be done prior to getting the building permit and they will certify the vernal pools. The pool in the BC wetland flag series is presumed to be ILSF. The vernal pools to be investigated were listed in Mr. Faneuf's 2/15 comment letter. Small check dams can slow down the water on the south side. There must be spill kits on parking areas for the machinery. Mr. Faneuf recommends that the operations and maintenance plan should be added as a special condition. Mr. Bock motion to close the public hearing and Ms. Sherillo second. Vote all in favor. Mr. Bock motion to issue the order of conditions and Ms. Sherillo second. Vote all in favor.

184 Sutton Rd. – Aquatic Management Program - Continued from Feb. 11 – This item has been continued. Mr. Wigglesworth motion to continue. Ms. Sherillo second. Vote all in favor.

Webster Riverwalk and Downtown Improvements Project – Western Intersection of Davis Street and Main Street to parcel 14-A-4-A (547 – 577 South Main Street) – Mr. Kunkel opens the public hearing. Dan Armstrong is presenting. The Conservation Commission visited the sites. This project will be done in phases, but not necessarily in the order they were given. Phase 2 is mostly out of jurisdiction. Phase 3 will have a look out towards the river. The utility poles will remain. There will be improvements made to stormwater management. They are proposing to install stormceptor which will add water quality treatment. There will be handicapped parking and the addition of street trees. Phase 3b will add street trees and reconfigure parking. There will be rain gardens and bioretention areas. Storm water improvements are proposed and there will be a swale system with check dams. Phase 5 is mostly the walkway with a small swale along the side. Phase 3a will be worked on first. All of the phases are under one filing.

Mr. Wigglesworth asks if the plantings are native and the landscape architect said they are. There are invasives in this section that need to be disposed of properly. No chemicals will be used. Some of the trees should remain. The commission should visit the area with the contractor to identify trees to remain. Ms. Cyr states that they will go back yearly to check for invasives.

A Mapfre representative is present and would like to meet with someone to discuss the boundaries and what work will be done there. There has also been some dumping of salt and snow from the parking lot into the river.

An audience member from 15 Tracy Court is present and asked about parking for tenants. The sidewalk will not cross the walkway. Ms. Cyr states that properties will remain the same. There will be easements for the sidewalks if they are on private property. There will be no effect to the current retaining wall. It will be ADA compliant and there will be access to the trains. Mr. Wigglesworth suggests making the walk accessibly for the blind, with a rope railing and braille signs. Mr. Wigglesworth motion to close the public hearing. Ms. Sherillo second. Mr. Wigglesworth motion to approve all stipulations for each phase contingent upon stormwater review and receipt of DEP number. Ms. Sherillo second. Vote all in favor.

88 Point Breeze Rd. – This NOI is for the demolition and construction of a single family home. Mr. Kunkel opens the public hearing. Stephen Balcewicz represents the applicant. All of the retaining walls on the site are deteriorated. They are proposing to remove the garage, the deck and the retaining walls and rebuild. They will rebuild from the water’s edge up. Erosion controls include straw wattles and silt fence. New walls, impervious, and buffer are indicated on the plans. Mr. Balcewicz asked about the
setback policy. He indicated that the Zoning Officer stated that the setback is 10 feet. Mr. Wigglesworth says new construction should be back 25 feet according to the Conservation Commission setback policy. They pulled the house back 3 feet and pushed the garage back. The new house is 20 feet off the water. They would like to propose this without changes and not have to redesign the house. The Commission would like them to pull the house back 5 feet so it is out of the no disturb zone. He stated that they can't move the house because they would lose parking along the street. Tim Bell, a neighbor, asked what type of retaining walls or barriers will be along the property line with 86 Point Breeze to make sure the property will not fall in to make it safe, if there is a large excavated hole left open. Mr. Balcewicz states there will be construction fencing, wattles and silt fences. They will be close to the property line. All of the concrete will be excavated. Ms. Overholt notes that the Town Attorney is meeting with town officials to discuss the authority of a setback policy vs. the town zoning. The Committee suggests waiting to make a decision until after that meeting. Ms. Sherillo motion to continue until March 11 for more information. Mr. Wigglesworth second. Vote all in favor.

**Sutton Rd. Lot #2** – Construction of a single family home – This hearing was continued from Dec. 3. Frank Bichieri from Bertin Engineering presented plans, which were revised 2/25/19, with the spill kit area indicated and the trac mat on the plan. He changed out hay bales for straw wattles and extended them up the slope. Invasive species on site will need to be removed. The Commission would like to preserve as many trees as possible along the road. Specific trees to be saved can be discussed during a preconstruction meeting. The back portion of the lot is a Natural Heritage area; there is an endangered species. The Commission suggests placing a restriction on development of that portion of the lot. Mr. Bock motion to close the public hearing. Mr. Wigglesworth second. Vote all in favor. Mr. Bock motion to process the conditions at the March 11th meeting. Mr. Wigglesworth second. Vote all in favor.

**18 Bates Crossing** – This NOI is for the construction of a new house. Mr. Kunkel opens the public hearing. They filed an NOI previously for the demolition of the old house on the site. The house has been demolished and some trees were removed. There is a culvert next to the garage which collects from the house and the garage. The house is one story, with a flat roof and a 6 – 7 foot basement. They have a report from an arborist which states that the tree is diseased. There will be two booms in the water for fixing the hole. They would like to continue this hearing so they can put together a list of vegetation. Mr. Wigglesworth motion to continue the public hearing to March 11, 2019. Mr. Bock second. Vote all in favor.

**Discussion** – None.

Meeting adjourned at 10:17 p.m.

**Next Meeting Date:** March 11, 2019 Gladys E. Kelly Public Library Meeting Room

**Documents**

Photos from site visit; 12 Kenneth Ave.; Feb. 21, 2019
Photos from site visit; 14 Pebble Beach Rd.; Jan. 5, 2019
Photos from site visit; 88 Point Breeze Rd.; Feb. 21, 2019

Existing Conditions Plan for 195-199 Thompson Road Webster, MA 01570; Jan. 30, 2019
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Large-Scale Solar Photovoltaic Facility Juniper Lane Webster, MA 01570; dated Oct. 5, 2018 and revised through Feb. 21, 2019

Webster Riverwalk and Downtown Improvements Plan Set; Feb. 1, 2019, including:
Phase 2 – Roadway, Sidewalk and Train Museum Access Reconstruction
Phase 3a – Sidewalk and riverfront amenity construction and reconstruction
Phase 3b – Roadway sidewalk and parking lot reconstruction
Phase 4 – Multi-use bike and pedestrian pathway from Peter St. to 577 South Main St.
Phase 5 – Multi-use bike and pedestrian pathway from Kretchman's Craft Bar and Beer Garden to Peter St.

Site Improvement Plan 88 Point Breeze Road Webster, MA 01570; prepared by B.C. Engineering Survey Inc.; Jan. 10, 2019

Subsurface Disposal System Lot #2 Sutton Road Webster MA, 01570; prepared by Bertin Engineering; dated May 1, 2008 and revised through Feb. 25, 2019

Site Improvement Plan 18 Bates Crossing Webster, MA 01570; prepared by B.C. Engineering Survey Inc.; Feb. 4, 2019

Respectfully submitted,
Kelly Gorham
Conservation & Planning Clerk

Conservation Commission Approval: [Signature]
Chairman

Date: 3-25-19