Town of Webster
Conservation Commission
Minutes of the Meeting – April 8, 2019

Attending: Commissioners – Joseph Kunkel, Joseph Wigglesworth, Michelle Sherillo, Fred Bock, Dan Duteau
Staff – Mary Overholt, Conservation Agent

Absent: Commissioners – Beau Saad, and Klarissa Johnson
Staff – Kelly Gorham, Clerk

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

Meeting Minutes

It was noted there was an error in the date on the minutes. Ms. Sherillo motion to approve the meeting minutes from March 25, 2019 with the date change and Mr. Wigglesworth second. Vote all in favor.

Request for Determination of Applicability

115 Birch Island Rd. – This determination is to replace a retaining wall. Owner Denise Gorski is present. She would like to replace a retaining wall made of railroad ties with stone, and build a shed under the stairs. The shed and stairs will be composite material. The stairs on the other side would not be touched. No machinery will be used, everything will be hand dug. Erosion controls should be placed along the edge of the patio. All composite materials must cut on the road side of the house and the dumpster must be to be covered. Mr. Wigglesworth motion to issue negative determination for 115 Birch Island Rd. Mr. Duteau second. Vote all in favor.

13 Bates Grove Rd. – This determination is for the demolition of a single family home. This is 70 feet from the water front. Doug Lebel will be building the houses. They will do the demo of the walkway later to keep out of the 100 foot buffer zone. There are three trees near the house which will remain. They could remove driveway and stabilize, but will leave the driveway for now. The hole will have structural fill. There will be a dumpster on site and all of the debris will be trucked off site. The spill kit can be chained to a tree. The erosion controls need to stay up until the next the Notice of Intent is filed. There will be no removal of trees. The Conservation Agent will conduct a preconstruction meeting, inspect the erosion controls and then do a final inspection. Mr. Wigglesworth motion for negative determination for 13 Bates Grove Road. Mr. Kunkel seconds. Vote all in favor.

Mr. Bock leaves the meeting.

93 Birch Island Rd. – This determination is to remove trees, repair a retaining wall and build a deck. This item will be heard later in the meeting.

136 Killdeer Rd. – This determination is for the removal of trees. The tree company had already removed them while they were working on the neighbors trees. They were removed before the owner obtained a permit. They will replace them with 3" caliper trees. The homeowner will be planting arborvitae. There
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is a fee for late filing. The tree company, Stately Tree, should be notified that work was done without permission, and that what they did was a fineable offense. Ms. Sherillo motion for negative determination for 136 Killdeer Road. Mr. Wigglesworth second. Vote all in favor.

59 Wakefield Ave. - This determination is for a patio and landscaping. The wattles were put up and there is rip rap on top of the pebbles. They would like to put in some loam with grass and a 12’ x 12’ patio. Pervious pavers should be used. The Board recommends certified invasives free loam which is available for purchase at a nursery. Erosion controls are to stay in place until grass is established. They can use a meadow mix. No fertilizer is allowed and the tree is to remain. They will get the dock registered with a Chapter 91 simple form. They can send a photo of the area to the office and take down the erosion controls after the grass is stabilized. Planters may be placed along the deck. Ms. Sherillo motion for negative determination for 59 Wakefield Ave. Mr. Wigglesworth second. VAIF.

Notice of Intent

18 Oakwood Drive – This project is for a subsurface disposal system for a single family home - Continued from March 25th - Glenn Krevosky of EBT Environmental Consultants, Inc is presenting. The erosion controls will be 20 feet from flag 15. The gravel pit wetland is next to BVW. It is an isolated wetland. It has been delineated as the Commission requested. The fill and house were moved closer to the road to keep it out of the isolated wetland. The slopes are 2:1, or 2.5:1. The slopes will be jute netted and stabilized with juniper. There are not mowing on the slope. There should be a detail on the plan stating the straw bales should be double staked. Hay should be changed to straw in one section of the plan. There are some stones that need to be removed from the culvert area because it causes puddling. The autumn olives at the bottom will be removed. They will not try to get the phragmites out. There should there be a fence at the top of the embankment for safety. This is not really a Conservation issue. The spill kit will be shared for the two sites, this one and 16 Oakwood Drive, and it will be noted in the order of conditions.
An orange construction fence will be placed along the top of the slope during construction. Ms. Sherillo asks how far the BVW wetland is from the house. (not isolated) The wetland is 43 feet from house. Wetland markers are at the base of the slope. Mr. Wigglesworth motion to close the public hearing. Mr. Duteau second. Vote all in favor. Mr. Wigglesworth motion to issue an Order of Conditions for 18 Oakwood Dr. Mr. Duteau second. Vote all in favor.

93 Birch Island Rd. - This Request for Determination is heard now. Owner Chris Daggett would like to remove four oak trees. He will replace the trees. Siding and windows are being replaced. Sonotubes for the deck will be hand dug. He will apply for a Chapter. 91 permit for the dock. The retaining wall will be repaired. He may replace it with pressure treated material. He will go with cement block and install a drywell near the parking area, to keep the water away from the wall. This will take water from the roof into the drywell also.

Mr. Bock returns at 6:48.

Two of the trees to be removed are very close to the house. The third tree leans over the neighbor’s house. This tree looks healthy and Mr. Wigglesworth suggests pruning instead of taking it down. Mr. Dagget is okay with leaving the leaning tree. The stumps from the other two trees will be ground. The drywell will be dug by hand. Some fencing needs to be replaced on the Lake side. Pressure treated wood will be used for the deck. A vacuum saw must be used to cut materials and used on the road side of the house. He should file for a Chapter 91 permit for the dock. All work to be done by hand and a wattle
and silt fence should be used for the wall. Mr. Wigglesworth motion for negative determination at 93 Birch Island Road. Mr. Duteau second. Vote all in favor.

202 Killdeer Rd. – This project is to replace a retaining wall. Mr. Kunkel opened the public hearing. Owner Kathryn Swanson is present. Pervious pavers will be going in. A machine will lower them onto the shore line. The new retaining wall will be pulled back 8 feet to line up with neighbors. There are rail ties to be removed. The finished grade will be 3:6. An oil boom will be in the water. They discussed the removal of invasives with the contractor. There is burning bush, which is to be pulled and not brought to the compost facility. There may be Barberry too. They do not have a planting plan yet. They have the list of native plants for replacements. There are three retaining walls, going from eight feet to six feet high. Mr. Wigglesworth motion to close the public hearing. Ms. Sherillo second.
Clarification was made on moving the wall back. Mr. Wigglesworth motion to issue the Order of Conditions for 202 Killdeer Rd. Ms. Sherillo second. Vote all in favor.

75 Lakeside Ave. – Mr. Kunkel opened the public hearing. This project is to repair the foundation. The foundation is shifting and the intent is to dig up and repair and replace the foundation. They will dig the area out and jack up the house. The plan needs to be updated with erosion controls and a spill kit. They should be in a “U” shape around the house, between the house and the wetland. A cultec would be not be required since it is a repair to an existing structure. He may add one anyway. No frost wall. The plan is updated by hand with a silt fence, wattles, a spill kit and north arrow. Fill will be trucked off the site. Ms. Sherillo motion to close the public hearing. Mr. Bock second. Ms. Sherillo motion to issue an Order of Conditions for 75 Lakeside Ave. Mr. Bock second. Vote all in favor.

69 South Shore Rd. – This is an amendment to order of conditions DEP # 323-1089. Mr. Kunkel opened the public hearing. They are looking to remove four trees. For every tree cut down, they will replace with two. They would like to replace with natives trees along the borders. They will let us know when the varieties are chosen. One of the trees is almost dead. Mr. Bock suggests keeping the pine tree. He will leave the stumps at the shore line. The shed is going to be on blocks and 25 ft. from the water. He will build the shed out of pressure treated wood. Non-biodegradable materials must be cut away from the water. They can hydro seed in a month or so. The order will be amended to remove four trees, and for the construction of a shed. Trees will be replaced 2 to one with native trees and they are building a hedge along the neighboring property line. They should obtain a Chapter 91 dock permit. Mr. Wigglesworth motion to close the public hearing. Ms. Sherillo second. Vote all in favor. Mr. Wigglesworth motion to amend the order of conditions. Ms. Sherillo second. Vote all in favor.

Upper Gore Rd. – Lots 52_A1_0 & 53_B_4_0 - Installation of 2 Solar Arrays – Continued from March 25. Matt Parlon from Bluewave Solar and Rich Riccio, P.E. from Field Engineering are present to provide an update to the Board. The plans have been changed to address the 25 ft. no touch zone and a stream crossing detail has been added to the plan set. Notes have been added to say no fertilizers and that invasive free soils will be used. Trees will be trimmed to allow for more solar penetration. More detail has been added on the storm water analysis. There will be no equipment within 100 ft. of the wetlands. The plan shows the watershed plan. The drip edges of the panels will have cached stone trenches. The Operations and Maintenance plan will be specific about no fertilizer on the site in perpetuity. 1:1 slopes will be vegetated and will have reinforced grids. They met with MEPA on Friday, and are working with them to resolve any issues. They will be filing with MEPA at the end of the month. When the next plan is submitted, they will add a cover letter to note the changes that were made. Ms. Sherillo asked them to explain the MEPA process. Environmental notification includes many components. The air quality needs to be considered. Are there any archeological resources? There is a traffic component. Storm water management
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is a part of it. The two triggers here are the direct alteration of over 25 acres and the habitat assessment. Matt will write up the comments that they have responded to. The Commission would like a status update from them regarding Natural Heritage. They will put 50 acres into conservation to offset habitat loss. Mr. Wigglesworth suggests that at the end of the lease they might consider donating the land to the town or giving them a conservation restriction. They could talk with the landowners about that. Most of the fence is well over 30 ft. from the wetland. Mr. Wigglesworth asked if they have looked at the catch basins along Upper Gore Road. Mr. Riccio states they have not analyzed each catch basin yet. Mr. Wigglesworth motion to continue to April 22nd. Mr. Bock second. Vote all in favor.

0 Colonial Rd. – This project is the construction of a single family home. Continued from March 25th. Land Planning, Inc. is present. The right of way is fully paved to the town road. There is an existing foundation. Inside the foundation may be impervious. They plan to build a foundation and a house. The driveway will slope down to the road. How do we know that it is a foundation? There is oral testimony that it is a foundation. It has been used for parking. Storm water management has been provided and it will be in front. The back of the house will be at the wetland line flood elevation at the bottom of the bank. They want to keep the vegetation on the bank. The large trees that are against the foundation will be removed. The plan is to put piers and grade beams above. The grading will be changed beyond the original wall. There is no basement and no back egress. There will be sediment barriers above the retaining wall on the northern borders. The distance from the water to the house is 10.4 feet. The existing wall is eight feet from the water. Ms. Sherillo asks for proof that the lot is grandfathered. The building inspector asked them to meet the setbacks. The best solution is to have the structure farther away from the resources. A full delineation of the wetland needs to be submitted. They want to keep the embankment intact. A wetland report is not included. A more detailed analysis of the trees to be removed should be done. The trees should be added to the plans. The applicant is okay with the trees staying on the bank. Mr. Bock motion to continue to April 22nd. Mr. Duteau second. Vote all in favor. Mr. Fanuef reads 10.53 section 1. The potential for adverse impacts to the resources are in the buffer zone. Mr. Fanuef says that the policy has it right in controlling the buffers zone. Property has some historical disturbance.

Discussion

9 Ernest Street – Extension for DEP # 323-1045. Mr. Wigglesworth motion to extend the order of conditions. Mr. Bock seconds. Vote all in favor.

77 South Shore Road – They would like to add rip rap along the shore. The Board will allow this as long as it does not go beyond a foot into the water and suggests that broken stone works better, as it absorbs wave energy.

190 killdeer – They need to put in a rain garden to make up for the drainage off the driveway.

Earth Day clean up – Mr. Wigglesworth says he will participate in the Earth Day clean up on April 27, and encourages all to participate. They will focus on wetland areas. The hours of the event are 8-12.

Ms. Overholt should check on Checkerberry Island. Also across the street from Webster lake marina, there is a boat stored in the wetlands.

Work on 74 Union Point Road should be checked.
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KLT should put up flock socks to catch the silt where the berm is down. It would keep back some of the junk. That would help keep silt out of that area. Mr. Bock would like to do a walk-around. Judy Schmidt from DEP also wants to see the LKQ site. She said to talk to their engineer about what to do on the project. She does not recommend doing flock treatment there.

The Conservation Agent will be on vacation next week.

Mr. Saad may step down to Associate Member if quorum will be affected.

Mr. Wigglesworth motion to remove Ms. Johnson as Associate Member. Ms. Sherillo second. Vote all in favor.

Ms. Overholt met with Brandon about By Law. He will put together an estimate. Mr. Bock motion for Brandon to give a quote to write up a By Law. Mr. Wigglesworth second. Vote all in favor.

Ms. Sherillo will write letters to her neighbors and give them copies of the brochure about wetlands.

A letter should be written to the ZBA to request a change in the zoning setback closer to the road.

Meeting adjourned at 9:48.

Next Meeting Date: April 22, 2019 Selectmen’s Meeting Room – Town Hall

Documents:

Subsurface Sewage Disposal System Proposed Plan Prepared for Peter Amorello 18 Oakwood Drive; prepared by Purcell Associates, Inc.; December 13, 2018; 24”x36”; 1 sheet.

Hand Drawn Plan for 75 Lakeside Ave; submitted on March 26, 2019; 1 page.

Wetland Restoration Plan Proposed Upgraded stream Crossing to Access Proposed Solar Array, BWC Chamberlain Pond, LLC., Upper Gore Road Webster, MA; submitted on March 25, 2019; 6 pages.

Proposed Solar Array BWC Chamberlain Pond, LLC, Stream Crossing Plan; revised through February 14, 2019; 24”x36”; 1 sheet.

Site Plan for Proposed House 0 Colonial Road; prepared by Land Planning, Inc.; February 8, 2019; 0 Colonial Rd.; 24”x36”; 1 sheet.

Respectfully submitted,
Kelly Gorham
Conservation & Planning Clerk

Conservation Commission Approval: [Signature]  Date: 5-20-19