Town of Webster
Conservation Commission
Minutes of the Meeting – May 9, 2019

Attending: Commissioners – Joseph Kunkel, Joseph Wigglesworth, Michelle Sherillo, Fred Bock, Dan Duteau and Peer Review Consultant Brandon Faneuf

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

Absent: Commissioners – Beau Saad

Meeting called to order: 5:37 p.m. Location: Selectmen’s Meeting Room

Meeting Minutes

Ms. Sherillo motion to continue the minutes of the meetings on April 8, 2019 and April 22, 2019 to the next meeting on May 20, 2019. Mr. Bock second. Vote all in favor.

Notice of Intent

202 Killdeer Rd. - This item is being heard again for procedural reasons. Ryan Whiterell, the contractor, is present and gives a summary of the project. They are removing 3 failed railroad tie retaining walls and using concrete block. They will be taking down some trees and replacing them with native plants. There are two abutters who live to the left of the property present who have questions. They ask about the path that the excavator will take. It will be going down the right side of the property. New sod will be going down and the irrigation system will be replaced. The neighbors are concerned about the Lake. A turbidity curtain will be used and erosion controls in place. The creosote in the railroad ties would be gone by now, since the wall is old. Invasives including burning bush, Japanese barberry and bittersweet will be removed. The neighbors are concerned about the wall. There is a PVC pipe, which is a perimeter drain and there is concern about sediment washing into the Lake. Mr. Whiterell states that if the walls are not joined, erosion will still be an issue. They need the neighbor’s permission to join the walls. This will be decided by the neighbors before the preconstruction meeting. Mr. Wigglesworth motion to issue the Order of Conditions for 202 Killdeer Rd. with the same conditions approved at the previous meeting. Ms. Sherillo second. Mr. Bock advises that the neighbors should give Ms. Overholt a note regarding the wall once they make the decision. Vote all in favor.

Request for Determination of Applicability

196 Killdeer Rd. – This determination is for tree removal. – Continued from April 22, 2019. There are three dead trees that need to be removed. Stumps will remain. They do not want to replace with trees but will use bushes instead, 2 to 1, for a total of 6 shrubs. There is some erosion and Mr. Wigglesworth suggests planting ground juniper or something similar. They will file for a Chapter 91 dock permit. Mr. Wigglesworth motion for negative determination of applicability for 196 Killdeer Rd. Mr. Duteau second. Vote all in favor.

75 South Shore Rd. – This determination is for tree removal and fill. The owner Thompson Boyd is present. He would like to use the fill from the neighbor’s construction at 77 South Shore Rd. as fill for some holes. There are also 5 dead trees to be removed; stumps will remain. The Board reviewed the plan.
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A silt fence will be needed. Mr. Kunkel asks if the work is on the pavement side. There is a wetland across the street but this property is elevated. Ms. Overholt did the site visit. The low areas to be filled do not have any water in them. Mr. Kunkel asks about power equipment. They will share the same machine and spill kit from the neighbor’s construction project. Erosion controls can be removed once the lawn is stabilized. He will seed later in the summer. Mr. Bock assists with adding erosion controls to the hand drawn plan. Mr. Bock motion for negative determination for 75 South Shore Road. Ms. Sherillo second. Vote all in favor.

Treasure Island – They would like to replace the roof and siding on all the buildings. – Continued from April 22, 2019. Mr. Wigglesworth spoke with Judy Schmidt from DEP about the downspouts she recommends that downspouts facing any material that might wash away, such as mulch, be turned away. Dissipaters about 12 inches wide should be added to the Marina building on the back lawn. Adding rock will allow water to percolate. They need to make sure the beach area does not erode further. Mr. Bock suggests adding a layer of small rock or riprap to slow the water down. Mr. Wigglesworth motion for negative determination for Treasure Island. Mr. Bock seconded. Vote all in favor.

Notice of Intent

0 Colonial Rd. – This project is a proposed single family home – Continued from April 22, 2019. Brian and Sharon Pelletier (owners) are present with Norman Hill from Land Planning, Inc. Brandon Faneuf from Ecosystem Solutions, Inc. is also present. Changes to the plan are discussed. Mr. Faneuf has flagged the wetland and the flags are numbered on the plan. A brief oral history of the lot is given. There is an old stone foundation there. They believe it was constructed in the 1930s. The lot has been used for parking boats and docks. They have asked for a waiver from the 25 foot no disturb zone. The size of the house has been reduced by 2 feet – it is less than 1500 sq. ft. Details of plantings are on the plan. Mr. Wigglesworth would like to hear from Mr. Faneuf’s report.

Most of the lot is lawn with shade trees on the south side. There is a fieldstone masonry wall on the east side which is a retaining wall. The slope is steep to the water. There is a question about whether or not the stone wall is pre-existing. Do they have evidence there was a house there? Mr. Pelletier states there was wood framework and some nails on top of the foundation. The records don’t go back that far. Mr. Faneuf reviewed the plan under MGLc.131, §40, 310 CMR 10.00 and the Webster Setback Policy. The applicant must provide a burden of proof. They must present evidence to show the rationale as to why work in the 25 ft. no disturb zone should be allowed. Mr. Faneuf read more of the report. The closer work is done to the buffer zone, the higher the risk of environmental impact and is likely to alter the physical, and possibly the chemical, characteristics of the area. Mr. Faneuf reviews the 12 points of burden of proof. They must consider the scale of the proposal vs. the quality of the resource area. Have they met the burden of proof under the policy to be able to do work within 25 feet of the wetland area. Mr. Hill states that the applicant is willing to give up the walkway to eliminate disturbance. They would like to request a continuance to revise the plan to eliminate any disturbance. There are still trees to consider. They would like to remove 3 oak trees and are proposing 2 new oak trees. Mr. Wigglesworth states that, based upon the Wetland Setback Policy, this project does not meet what the board is requiring and there will be adverse effects to the wetland. Ms. Sherillo still feels the applicant has not provided burden of proof. Mr. Wigglesworth motion to continue the hearing to May 20. 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 April 22nd - Matt Parlon from Bluewave Solar, Rich Riccio, P.E. from Field Engineering, and Tom Reidy, attorney from Bacon & Wilson are present. They presented a letter from Jesse Leddick from Massachusetts Division
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of Fisheries & Wildlife. The project hasn’t yet cleared MESA. Legal processes are discussed; they need to be done before the Commission can write an effective order of conditions. Mr. Riccio states they are separate processes. Mr. Wigglesworth asks when they plan on filing with CMPC. They will be filing around the 15th of May and with the DNF around the same time. Mr. Faneuf reads from 310 CMR 10.59. Mr. Wigglesworth would like a formal letter sent to the Commission from Mr. Leddick rather than an email. Mr. Randy Becker, as a private citizen, reads from the April 11th response to Mr. Chad Pepin’s letter. The last paragraph states that they are preparing to submit an EMF to MEPA. Until the MEPA review is complete NHESP cannot take final action on CMP. Mr. Parlon states that these are actions they plan on taking. The letter provided by Mr. Leddick was written with intent to be brought to the Commission to provide opinion. For the next meeting the Commission would like a status update on the filings. MEPA and CMP should be done by then. They would like a letter from NHESP sent to the Conservation office with their opinion as to the issue of adverse impact. What comes from MEPA will go into the special conditions. Ms. Sherillo would also like to address Mr. Becker’s concerns. Natural Heritage has the site locked and nothing can happen until everything is in order and approved. Mr. Kunkel asks about decommissioning and Ms. Overholt explains that the Planning Board will be taking care of that. There is a cash surety that gets posted with the Town. Mr. Wigglesworth motion to continue to May 20th. Mr. Duteau second. Vote all in favor.

184 Sutton Rd. – Mr. Wigglesworth motion to continue. Mr. Bock second. Vote all in favor.

Recess – 7:22 – 7:30

Discussion

114 Point Breeze Rd. - Extension for Order of Conditions #323-1031 – Continued from April 22 – Jim Alkire the owner is present. The DEP number has been posted. The wall was completed. There is a utility pole that needs to go underground. There is a question about stairs and terracing. It has not been completed and may be within the next two years. They may want to put in a garage and will amend in the future if they do. A few dead trees need to be taken out. Ms. Overholt can give Administrative Approval for those. They would like to extend the wall and siding and windows can be done as a minor modification at a later date. Mr. Wigglesworth states they would need the long form for a Chapter 91 dock permit. Mr. Bock motion to extend the order of conditions for 114 Point Breeze Rd. Mr. Wigglesworth second. Vote all in favor.

Solitude Lake Management - Extension for Order of Conditions #323-720 – Aquatic vegetation removal in Webster Lake – Paul Laframboise, Vice President of Webster Lake Association, and Jeff Castellani from Solitude Management are present. They spoke with Ms. Overholt about the concerns about the embankment. Crane mats will be used. They spread out the weight of the equipment so it doesn’t damage the shore or disturb the area underneath it. An excavator will be used. There will be a curtain against the bank and another in the water. The excavator will reach in and remove material between the curtains. The water level does not need to be lowered for hydro raking. The hydro raking is along Fairfield Drive into Sucker Brook and Pout Pond, finishing what was started last year. Water lily and root systems will be removed and milfoil and fanwort are done through a chemical process. There is an ecologic benefit to thinning them out. The Commission does not want to shut the project down but wants a cross check process. Mr. Laframboise states that there have been 3 peer reviews done over the life of the project. Reports are available for public view. The Commission would like reports sent to them and status updates.
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Ms. Sherillo asks about the hydro raking process. There is always a spill kit on site and they use vegetable oil in the machines. A 55 gallon spill kit is required. Mr. Becker asks if there is a maintenance plan for the beavers. Trapping is not allowed during the off season. A draw-down of the Lake was mentioned at the March 11th meeting. Mr. Laframboise explains that the Lake would not replenish itself so a draw-down is not an option. Ms. Sherillo asks if they need to close the flow to Mill Brook. That isn’t necessary for weed control. Mr. Wigglesworth asks if they have a map of the zones off limits to chemicals, for drinking water. Ms. Sherillo asks about the Clipper study. There are 7 different areas and 1 control area. They have been treating specific areas 3 years in a row, collecting data pre and post treatment. Clipper was registered in MA in 2014 and Webster is part of a study to collect data. Most states have already approved the use of Clipper. They will survey in early summer to find milfoil and fanwort, then do a treatment in June. A second survey will be done in September. This is the second year of a 5 year study. Mr. Laframboise says they will create a treatment map that will show what herbicides are in what area. The Commissioners would like to do a site visit to see the process. Ms. Sherillo feels that the existing conditions are lax. Mr. Laframboise agrees to an extension to the end of the year. Ms. Sherillo motion to extend through December 1, 2019. Mr. Wigglesworth second. Vote all in favor.

Other Business

136 Killdeer Island – The owner can come before the Board to discuss the after-thought fee and tree replacement.

77 South Shore Road – There is a steep bank in the back and one oak tree on the water that they would like to remove. The arborist stated the trees might not survive. The Board does not recommend removal; it is still alive.

Ms. Sherillo motion to approve up to $6,000.00 to Brandon Faneuf for the cost of the bylaw. Mr. Wigglesworth second. Vote all in favor.

French Riverwalk - Chuck Eaton from CME Engineering has concerns about the drainage for the French Riverwalk project. This should be discussed with their engineer.

Union Point – Ms. Overholt did the site visit. The junk has been cleaned out but the wood is still there. She can send a letter to follow up.

Twisted Piston – There is some junk in the water flow to be cleaned up. The boulders are not at the toe of the slope and they are using the land to park vehicles.

DPW – Catch basins after the Lakeside boat ramp are clogged and full of water. They need to be dredged.

25 Lakeside Ave. – A letter needs to be sent and there is a fine.

33 Loveland – There is construction fencing and the shed in the wetland needs to be removed.

9 Loveland – Would need a building permit for the shed and there may be an ownership issue as this might be state owned land.

150 Killdeer Rd. – There is a shed in the wetland.
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Some of the Conservation Commissioners participated in the Earth Day Clean-up.

Konkel Ave. – There is dumping in the conservation restriction area.

Mr. Duteau motion to adjourn at 9:30. Mr. Wigglesworth second. Vote all in favor.

Next Meeting Date: May 22, 2019 - Gladys E. Kelly Public Library Meeting Room

Documents:

Hand Drawn Plan; 75 South Shore Rd.; April 25, 2019

NOI Peer Review of Single Family House Construction DEP#323-1128; submitted by Brandon B. Faneuf, M.S., Ecosystem Solutions, Inc.; May 9, 2019; 13 pages.

The Wetland Setback Policy for the Town of Webster Conservation Commission is posted online for viewing.

Email Correspondence from Jesse Leddick, Division of Fisheries & Wildlife to The Conservation Commission; May 13, 2019; 2 pages.
(All materials associated with this application are on file in the office of the Conservation Commission.)

Respectfully submitted,
Kelly Gorham
Conservation & Planning Clerk

Conservation Commission Approval: [Signature] Date: 6-3-19

Chairman