

JUL 12 2016

**Town of Webster
Conservation Commission
Minutes of the Meeting – June 13, 2016**

TOWN CLERK'S OFFICE

Attending: Commissioners – Richard Franas, Paul Fiske, Al Huefner, and Jeff Dowgiewicz, Joseph Kunkle, David Audette
Staff – Meagen Donoghue, Director of Planning & Economic Development, Dr. Rick Canavan, CME Associates

Absent: Commissioners – Beau Saad,

Meeting called to order: 5:30 p.m.

Location: Basement Conference Room

Introduction of New Member

Mr. Franas introduced David Audette as the newest member of the Conservation Commission; followed by the other Commissioners introducing themselves.

Other Business

Ms. Donoghue informed the Commission that the Ms. Grenier was no longer with the Town of Webster as the Conservation Agent and had already posted the position. Chairman Franas asked the Commission to review the May 16th Meeting Minutes prior to the June 27 meeting to assist Ms. Donoghue in making the appropriate corrections.

Emergency Certificates

24 Bates Point Road

Chairman Franas indicated he performed the site visit and signed off on the removal of a diseased tree on the property. Mr. Kunkle motioned to ratify the Emergency Certificate for 24 Bates Point Road. Mr. Dowgiecz second; vote: all in favor.

1 Pearl Street

Chairman Franas indicated a sewer line was damaged and broken and flowed onto 1 Pearl Street. Mr. Huefner motioned to ratify the Emergency Certificate for 1 Pearl Street. Mr. Fiske second; vote: 5 in favor, Mr. Dowgiewicz abstained.

Certificate of Compliance

58 Laurelwood Drive

Chairman Franas indicated that after performing the site visit, there was still a pipe in front that needed to be removed prior to issuing the Certificate of Compliance. The homeowners also needed to create a berm and do a final asphalt top coat. Mr. Kunkle motioned to deny the Certificate of Compliance at 58 Laurelwood Drive. Mr. Fiske second; vote; all in favor.

Requests for Determination

267 Thompson Road

Chairman Franas noted that 77 Bates Point Road was listed on the agenda as a case, but was actually the address of the applicant. The actual case was for 267 Thompson Road. The applicant provided the scope of work to include the construction of a 12' x 12' deck with stairs, replacing the stairs in the ground; leading to a concrete platform. He stated that all the materials would be cut away from the resource area after speaking with the Conservation Commission. Chairman Franas also requested best management practices

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be used as well as vacuuming all materials and no debris in the resource area. Mr. Fiske motioned to issue a negative Determination of Applicability with standard for 267 Thompson Road. Mr. Huefner second; vote: all in favor.

21 Point Pleasant Avenue

Ms. Donoghue noted that the applicant's daughter was in surgery, so he would not be in attendance. Chairman Franas indicated the work to be performed included removing and replacing roof shingles and after reviewing the property he noted that the project was straight forward, but was concerned about the dumpster. Mr. Fiske motioned to issue a negative Determination of Applicability with standard conditions for 21 Point Pleasant Avenue. Mr. Huefner second; vote: all in favor.

2 Henry Road

Chairman Franas indicated the scope of work included removing and replacing roof shingles and install two rows of ice and water shields, new drip edge, a new plumbing boot on the vent pipe and install new ridge vents. He noted after reviewing the property, the project was straight forward. He suggested using the standard best management practices. Mr. Huefner motioned to issue a negative Determination of Applicability with standard conditions for 2 Henry Road. Mr. Dowgiewicz second; vote: all in favor.

131 South Shore Road

The applicant provided the scope of work to include removing and rebuilding a deck using the same footprint. Mr. Kunkle asked if will the deck be demolished. Chairman Franas indicated this was discussed on the site visit and a tarp will be used to catch debris and to also use the standard best management practices. Mr. Huefner motioned to issue a negative Determination of Applicability with the use of a tarp in addition to the standard conditions for 131 South Shore Road. Mr. Dowgiewicz second; vote: all in favor.

65 Wawela Park Road

The applicant provided the scope of work to include removal of a tree, clean up shore line, and trim trees with dead branches. The applicant also noted that he would use native plantings and the stump would remain. Dr. Canavan noted he liked the use of native plantings. Mr. Fiske motioned to issue a negative Determination of Applicability with standard conditions and stumps to remain and the use of native plantings. Mr. Audette second; vote: all in favor.

0 School Street/Maryanne Lane

Chairman Franas noted the site visit was to determine if a wetland was in place on the property. The applicant presented that there was no water when his subdivision was originally approved. He noted that a pipe, he claimed was owned by the town, had rotted out and abutters had clogged up the area with grass clippings and other debris, causing the water to gather.

Chairman Franas stated that he, Mr. Huefner, and Mr. Kunkle performed the site visit and determined there is a wetland present, but should contact a wetland scientist to officially make that determination. Dr. Canavan suggested the applicant file a Notice of Resource Area Delineation and submit a plan showing the delineation of the wetlands and where to alter by quantifying the square area of impact and the mitigation of impact. Dr. Canavan stated the Commission cannot determine what is old and new wetland and a permit must be filed in order to alter wetlands. Dr. Canavan also noted that the issuing of a positive determination of a wetland by the Commission cannot authorize work in the wetland, and it does not matter if it was

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created five or twenty years ago. If there is a wetland present, it is simply a wetland. Chairman Franas followed stating the Commission cannot make a decision on whatever happened before.

Dr Canavan asked if there was a Notice of Intent approval from 2003? The applicant said there was no need to file one at the time because there were no wetlands. Mr. Kunkle noted he was on the Commission in 2003 and he said the property in question flooded out the abutting Malden Street properties. The applicant followed by saying a trench was dug to relieve this area.

Chairman Franas reiterated that the Commission could only vote on what currently exists and advised the applicant to work with a wetland scientist to delineate the boundaries. He continued with the Commission cannot look at history, who owned what, etc. The applicant stated he will see his lawyer the next day. Chairman Franas said according to the Wetland Protection Act, the Commission can only work within the purview of current conditions and the site is indeed a wetland.

Mr. Huefner motioned for a positive Determination of Applicability for 0 School Street/Maryanne Lane. Mr. Fiske second; vote 5 in favor, Mr. Kunkle abstained.

**Other Business
Sucker Brook**

Paul LaFramboise spoke on behalf of the Webster Lake Association and indicated that there was an open permit for hydro-raking along the channel in the Sucker Brook. He asked if he would have to fill out more paperwork because they were planning to work with Kenny from Highway to put biomass in Mine Brook in October. Dr. Canavan asked for a detail of the hydro-raking and turbidity control and add onto the extension of the NOI.

**Notices of Intent (Public Hearings)
17 South Point Road -- Continued**

Chairman Franas noted the Commission had to rescind the original approval for the demolition of the garage because the abutters were not notified by the applicant. Mr. Kunkle motioned to rescind the former Orders of Condition for 17 South Point Road. Mr. Dowgewicz second; Vote: 5 in favor, Mr. Audette abstained.

Chairman Franas noted that the Hearing must start from scratch. The applicant's representative presented the scope of work (see May 16th minutes) and apologized for the lack of notifying abutters. He presented the changes from the previous plans to include the elevation of walls, moved the hay bales, and included infiltraton and impervious calcs; which were under 20%. He also indicated the scope of the addition is the same in the front and back.

Mr. Huefner asked of the elevations at the terrace. The representative said without destroying the whole slope, the base of the wall would be at the foot, not the water's edge and no turbidity curtain would be used. He noted the stairs were pre-existing and would use the existing grades, and no hard-scapes would be used down at the water. He also noted the porch would be removed. Mr. Huefner asked if there would be a block wall? The representative noted fieldstone or block, as they were almost identical. Mr. Franas asked of the depth of the wall in the water. The representative indicated that the wall would not be in the water, but rather back eight to nine feet. The representative also noted that he would only keep on site what is absolutely needed and keep all other equipment at Point Breeze. Mr. Kunkle asked if trees needed

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to be removed. The representative noted that two or three would be removed on the water's side and would be craned over the house.

Chairman Franas opened the discussion to the public. The abutter across the street from the property asked where the waterline was and if they were using domestic water. The representative noted they were on both Town and septic systems. The same abutters asked which trees were to be removed and were shown by the representative. They also asked of the partial removal of the garage. Chairman Franas indicated that most of the garage was out of the 100 foot buffer zone and only had to vote on a portion of it. The abutters asked of the parking being impaired in the front of the house and the impact parked cars had along the street. Chairman Franas said that issue was out of the Commission's purview and could only follow what is within the Wetlands Protection Act. The abutters asked where the heavy equipment would be parked and the representative reiterated that it would only be brought up to the street when needed and would otherwise be parked at Point Breeze.

Mr. Dowgiewicz motioned to close the public hearing. Mr. Fisk second; vote; five in favor; Mr. Audette abstained.

Mr. Fisk motioned to approve the Notice of Intent with the standard conditions for 17 South Point Road. Mr. Huefner second; vote: all in favor.

114 Point Breeze – Continued

The applicant's representative continued to provide the scope (see Minutes from May 16, 2016), including excavating the existing wall and once complete, to have the Commission. Mr. Kunkle asked for clarity asking if the wall was to move closer to the building or back. The representative noted that he would keep the footings and dig out behind the existing wall, then take an examination of what occurs. He noted that he would dig in two feet wide and put in trap-rick level to the top of the footing to the next level. He would then step back two feet behind the existing wall and put new footings and then remove the old ones. The representative also provided pre/post impervious calcs and recharges in new plans (see file)

Dr. Canavan questioned the two walls and the representative noted infiltration between the wall and sidewalk and recharge. He stated there was a two foot off-set and he suggested off the bottom of the sand, but it may not work if too far into the lake. The representative said it would be up and out of the water, about two feet about the 480 line. Dr. Canavan talked of infiltration and the representative wants to place 3/8 stone at site.

Mr. Kunkle asked for a detail of the plans to show a higher footing and suggested to go to the same footing height. Dr. Canavan asked how is it going to be built and stated the two details do not marry well. Mr. Heufner asked to show on the diagram to show a level of wall because of the infiltration.

Chairman Franas indicated that when the site is dug up, he would like the Commission to visit.

Mr. Kunkle motioned to close the hearing. Mr. Fiske second; vote all in favor.

Mr. Fiske motioned to approve the Notice of Conditions with standard conditions. Mr. Heufner second; vote: 5 in favor; Mr. Audette abstained

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62 West Point Road

The applicant provided the scope of work to include enclosing the existing lower deck and adding a 6' x 10' extension to the existing upper deck. Chairman Franas indicated that the project was straight forward and the applicant should use the standard best management practices.

Mr. Fisked motioned to close the public hearing. Mr. Huefner second; vote all in favor.

Mr. Fiske motioned to approve the Notice of Intent with standard conditions. Mr. Huefner second; vote all in favor.

Discussion

Sunny Shores

Glenn Krevowsky explained the letter he wrote to the Board of Selectmen and asked for the Commission's endorsement. Mr. Huefner motioned to write a letter endorsing work of Mr. Krevowski to include his research of vernal pools, contiguous new land and the gaining of three times more land. Mr. Dowgiewicz second; vote: all in favor

2016 Vegetation Control – Providence & Worcester Railroad Company

Ms. Donoghue presented communication from the Providence & Worcester Railroad Company updating the Commission on their efforts of vegetation control. Chairman Franas indicated it was a courtesy letter and there was no need for the Commission to act on the letter.

14 Cedar Street Site Visit

Chairman Franas and Mr. Heufner went on the site visit and discovered no evidence that the vegetation was disturbed. He noted the owner had cleaned out the area and the beavers and their homes were not disturbed.

33 Loveland Road

Ms. Donoghue indicated that the property that was originally approved for an RDA was determined as land owned by the Commonwealth of Massachusetts by a surveyor hired by 33 Loveland's abutters. Chairman Franas requested to rescind the vote. Mr. Heufner motioned to rescind original RDA issued to 33 Loveland Road due to the land being owned by the Commonwealth of Massachusetts. Mr. Fiske second; vote all in favor.

Millbrook Plaza

Dr. Canavan indicated he went on a site visit to the Millbrook Plaza and noted the owners had followed through on four (4) conditions, but has added to the trash pile in the back and construction materials are in the retention basin. Mr. Kunkle asked if the owners can get their Certificate of Occupancy and if so, will they fill the area with trash afterwards? Ms. Donoghue noted that was the Building Commissioner's responsibility.

Next Meeting Date: June 27 at 5:30 p.m. – Basement Conference Room

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Meeting adjourned 8:02 p.m.

Respectfully submitted,
Meagen P. Donoghue
Director of Planning & Economic Development

All correspondence, applications, plans and reports can be viewed at the Office of Planning & Economic Development, 350 Main St, Webster MA 01570

Conservation Commission Approval: _____


Chairman

Date: _____

7/11/16