

**Town of Webster
Conservation Commission
Minutes of the Meeting – Oct 23, 2017**

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Attending: Commissioners – Joe Kunkel, Frederick Bock, Beau Saad, Michelle Sherillo, and Klarissa Johnson (Associate member)

Staff – Mary Overholt, Conservation Agent

Absent: Commissioners – David Audette

Meeting called to order: 5:33 p.m.

Location: Basement Conference Room

Minutes

Mr. Saad motioned to approve the minutes for Oct. 12 on Nov. 6. Michelle second. Vote all in favor.

Request for Determination of Applicability

151 South Shore Rd. – This application was for tree removal and roofing. Ms. Overholt made the site visit. Work will be about 50 ft. from the water. Mr. Saad motioned to issue a negative determination of applicability for 151 South Shore Rd. Mr. Bock second. Vote all in favor.

65 Bigelow Rd. – This project is for the installation of a shed about 100 feet from the wetland. Ian Nicholl the applicant was present. The board looked at the site and recommends putting wattles along the property line where the brush is along the wetland. Mr. Saad motioned to issue a negative determination of applicability for 65 Bigelow Rd. with the condition that wattles and silt fence are installed. Ms. Sherillo second. Vote all in favor.

39 Loveland Rd. – Mr. Kunkel noted that this hearing was continued from Oct. 12. This hearing was for the stabilization of a slope. Mr. Kirsch, the homeowner and James Anderson from Nice guys landscaping were present. The Commission made another site visit on Saturday. Everything was pretty much the same. The board would like to see any excess material removed offsite. They should bring the toe of the slope in with a boulder and the rest of the slope should be covered with 12 inch minus rip rap. John Dalton a member of the public asked to speak. Mr. Kunkel asked him if he was a resident of Webster. He is not, he is a seasonal renter. Mr. Dalton stated that Mr. Tetrault had written him indicating that the shed is sitting on a concrete pad. Mr. Dalton asks if the plan that is being suggested will take any wetlands away from state property. No, Mr. Kunkel said that Mr. Kirsch should take away the excess fill. Mr. Dalton stated that the decision the board is making today will make a precedent for other property owners. The owner is being fined by the building inspector. Mr. Kirsch, asked if Mr. Dalton represented anyone else on Loveland road. Mr. Dalton stated yes but would not disclose who. Mr. Dalton stated that the building was done illegally with premeditated pretence. Mr. Dalton stated that every resident on Loveland will be affected. Mr. Kirsch noted that he had acted without knowledge of the wetland regulations. Mr. Bock stated that removing the building is not in our purvue. Mr. Kunkel restated the plan to reinforce the slope while removing the excess fill. Mr. Dalton was concerned about the quality of the Lake. Mr. Dalton asked about the ownership of the land where the shed is placed. Ms. Overholt indicated that the property is owned by Mr. Kirsh according to Mr. Tetrault. Ms. Overholt asked how far the fill will be pulled back. Mr. Kunkel said until it reaches natural material. The bottom will be blocks or big rocks. Mr. Saad motioned to issue a negative determination of applicability for 39 Loveland Rd. for slope stabilization with excess fill removed, large rocks placed at the bottom of the slope and the rest

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of the slope covered with 12 minus rip rap with the condition that a site inspection will be made after the work is done. Ms. Sherillo second. Vote all in favor.

14 Henry Rd. – This project was continued from Oct. 12. It was for roof replacement however the work was completed before the application process was complete. Mr. Saad motioned to issue a negative determination of applicability for 14 Henry Rd, contingent upon the receipt of fines. Mr. Bock second. Vote all in favor.

Notice of Intent

47 Colonial Rd. – Mr. Kunkel opened the public hearing. Leo Shenette is the homeowner. This project is a refileing for an Order of Conditions that had lapsed for the construction of a retaining wall. The Commission made a site visit but it was not clear where everything was going to go. Mr. Kunkel would like to continue this to the next meeting to make another site walk. Ms. Sherillo motioned to continue the hearing until Nov. 6. Mr. Bock second. Vote all in favor.

2 Checkerberry Island - This hearing was continued from Oct. 12. The applicant had been asked to remove the docks and the Engineer was planning on submitting a plan with docks under the size of 600 sq. ft. No one showed up for the meeting and the docks have not been removed. Margaret Loew a resident of Treasure Island asked “What is the recourse if the docks are not removed”? Mr. Kunkel noted that the Building inspector, Mr. Tetrault can put in a stop work order and a fine. Al Catkin of Treasure Island is concerned about the lack of lights and that it was a safety issue. Mr. Kunkel suggested calling the harbor master. Mr. Bock motioned to reject the proposed amendment to the Order of Conditions for the installation of docks. Mr. Saad second. Vote all in favor.

The Commission should add 2 Checkerberry to ongoing items.

Discussion

113 Sutton Rd. - Scott Rhen was representing the homeowners. This was for a Certificate of Compliance for DEP 323-735. This lot already has a lot specific COC issued to it 323-669. Mr. Kunkel stated that this lot is not a part of deer run which 323-735 covers. The Assessor will sign an affidavit saying it is not a part of the Deer run subdivision, which should satisfy the lawyers.

Agents Report – Mr. Kunkel explained the 20 Indian Point site visit. Someone had complained about the work. Mr. Kunkel made a site visit and determined that the work seems to be going fine. He had been unable to install metal sheeting for the entire length and was using riprap which had been previously approved by the Commission. Mr. Saad noted that their determination has expired. Ms. Overholt should check the file and contact him.

Mr. Kunkel made a site visit to Deer Run. There is a lot of trash accumulating. Ms. Sherillo motioned to send a letter asking to clean up the trash. Mr. Bock second. Vote all in favor.

43 Wakefield - They would like to repair the retaining wall and remove the deck replacing it with grass. The engineer wondered if they need to get an Amended Order of Conditions. The Commission said they would like to do an additional site walk to understand the work. Mr. Saad motioned to ask them to do an amended order of conditions with site walk.

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37 Lake Parkway – Mr. Kunkel noted that the wattles and silt fence are up and the area has been hydro seeded.

Bylaws – Mr. Tetrault will give us some guidance on setting up fines. Mr. Bock asked what teeth do we have for collecting fines? Mr. Kunkel noted that we can put a lien on the property.

Mr. Kunkel asked the board for input about how the meetings are going. Mr. Saad noted that the pace is good. Mr. Kunkel said to let him know if there is anything that should be changed.

The meeting was adjourned at 6:41 pm.

Documents

Notice of Intent – for 47 Colonial Rd. JM Grenier Associates, 9/28/2017

Next Meeting Date: Nov. 6, 2017 Basement Conference Room

Respectfully submitted,
Mary Overholt
Conservation Agent

Conservation Commission Approval:  Date: 11-6-17
Chairman