



Town of Westminster

11 SOUTH STREET
MASSACHUSETTS 01473
FROM THE OFFICE OF THE

CONSERVATION COMMISSION

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TOWN OF WESTMINSTER

MINUTES OF MEETING

June 10, 2021

THE CONSERVATION COMMISSION WILL MEET REMOTELY. YOU MAY JOIN THE ZOOM MEETING AT <https://us02web.zoom.us/j/7370885635> Meeting ID: 737 088 5635 or One tap mobile +19292056099,7370885635# US

To: Selectmen
Board of Health
Building Commissioner
Town Clerk

Present: Vice Chair Gary Smith, Members: Tim Sheehan, Robert Gendron, Carrie Monty, Agent Matt Marro, and Secretary Susan Kalagher

Absent: Dan Bartkus

Guests: Brian Marchetti, J. Woodruff, Chris Parsons, Mike Ferrias, Keith Barnaby, Lucas Wafer, Brian Carlson, Rene Paine, Wesley Flis, Rick Despres, Denise Gaudette, Robert Zareski

Documents, Plans and other Exhibits

1. Plan – Lot 13A White Pine Drive
2. Correspondence – Mike Ferris

Gary Smith called the Zoom meeting to order at 7:03 pm. The meeting was recorded by Matt Marro and Robert Gendron.

The following Minutes were approved:
April 8, 2021

May 20, 2021 This meeting was not recorded by Matt Marro because due to issues with technology. All documentation referred to in these minutes is on file in the Commission office.

Certificate of Compliance

A Certificate of Compliance for 18 Hy Road was approved upon recommendation by Matt Marro. Rob Gendron abstained.

**CONTINUATION NOI
Lot B -13 A White Pine Drive
Carlson / Traditional Concepts**

7:05 pm The continuation of the public hearing requested by Brian Carlson was opened. Wes Flis of Whitman and Bingham gave the overview of the project. The plan was shared on the screen for everyone to view. The Board of Health has approved the septic design. The proximity to Mr. Ferris' property was discussed. A temporary drainage rip-rap swale will be relocated to a drainage easement. The current swale is temporary and will be restored to grass. Catch basins were discussed, silt will be removed and they will be inspected and cleaned as needed. The silt fence which restricts the flow of water and will be replaced with silt sack to allow for the ability for water to go back into the catch basins. All catch basins will be cleaned by the end of the week. Mr. Carlson will have a site walk on Friday. Different stabilization methods were discussed and will be used according to the topography. Mr. Carlson discussed the construction phases for this lot: 1st the well, 2nd the foundation, 3rd the septic system. He agreed to loam and seed to stabilize as soon as possible. Abutters were reminded that this hearing is regarding Lot B-13A White Pine Drive. Gary Smith stated that Conservation has been monitoring this project for some time and is aware of the problems. Mike Ferris shared a document for a presentation on his screen for all to view and Robert Gendron made a motion to accept the document as part of the minutes. The motion was seconded by Carrie Monty but was not voted on. Two videos taken after a rain events were viewed. Mr. Ferris discussed the check bale system. Gary Smith again stated that this is a construction project and asked Wes Flis to comment on the catch basins. Mr. Flis agreed that the catch basins were not working but will be on line after remediation and discussed temporary measures. Much of the remediation has been under the purview of the Planning Board. A temporary berm will be installed. Mr. Farris went on to discuss cluster housing project as part of a 2007 conditional approval of the subdivision plan and zoning changes that occurred. Wes Flis stated that the document that Mr. Farris was referring to was not the actual decision. Mr. Ferris went on to discuss other issues including the well location and when Mr. Flis stated that the well had already had Board of Health approval, Mr. Ferris commented that the prior Board of Health agent may not have had exacting standards. Mr. Flis gave the history of the project for the cluster subdivision including the concession the Board of Health and requested that Mr. Ferris discontinue discussion regarding Zoning and Board of Health and to please stay within the jurisdiction of the Conservation Commission. Gary Smith again asked Mr. Ferris to keep his presentation to the purview of the Commission. Mr. Ferris said he would not be "gaslighted" and went on with his presentation. Gary asked if Mr. Ferris had completed his presentation and thanked him for bringing some of these issues to the Commission's attention and assured him that they will check into them. Rob Bujold said that some zoning changes were specific to this project. Gary Smith said that once the catch basins are online there will be less surface water and this problem should be abated. Wes Flis asked to be on the agenda for the July 1st meeting and that should give everyone an opportunity to see how the improvements are working and give the Commission time to clarify some of the issues that Mr. Ferris brought up. Mr. Flis explained that zoning amendments were proposed for this project but were not allowed. Mr. Despres would like to see that the catch basins are working before proceeding with development. Rob Gendron would like to have more information before the next meeting. At 8:39 pm the meeting was continued to July 1, 2021 with all in favor, and a site inspection was set for Saturday, June 19, 2021 at 8:00 am.

Jody Woodruff / Winters Drive / Water Access

Mr. Woodruff was at this meeting at the request of the Conservation Commission. Matt Marro has been in contact with Town Counsel and is waiting for a response. Mr. Woodruff's prior enforcement order was discussed and a Notice of Intent from 2013 had been denied for lack of information. Mr. Woodruff will present the wildlife study. Water access easements were discussed. Mr. Woodruff discussed the granite posts and will submit a Determination of Applicability for the July 1, 2021 meeting. Mr. Woodruff installed granite posts restricting water access to abutters. The Commission will visit the site on Saturday, June 19th. Matt Marro is waiting for an answer regarding the easement from Town Counsel. The easement is shown on abutters' deeds. Scott T. asked about the enforcement order. Matt Marro responded that the Commission must first make a determination as to the environmental impact of the posts. It is a legitimate question and is most transparently handled through a Request for Determination process to open up a public meeting and allows abutters to make comments. Keith Barnaby asked about the enforcement order with both the granite posts and the installation of the dock that was denied in 2013 and asked if the Enforcement Order carried any weight. Rob Bujold also discussed the Mr. Woodruff's legal right to install the posts and suggested setting a monetary penalty. Matt Marro discussed the importance of following through with a Determination and the Commission will be dealing with this issue separately from the dock. Mr. Woodruff berated Carrie Monty after a comment about past activities on the property. Matt Marro researched the issue and found that the easement is present on the abutters' deeds. The public hearing was closed at 9:15 pm.

The meeting was adjourned at 9:15 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gary Smith', written over a horizontal line.

Gary Smith

Vice Chairman

(prepared by Susan Kalagher)