



Town of Westminster

11 SOUTH STREET
MASSACHUSETTS 01473

FROM THE OFFICE OF THE CONSERVATION COMMISSION

Phone: (978) 874-7413 * Fax: (978) 874-7411

MINUTES OF MEETING December 9, 2021

The meeting was held in remotely via ZOOM at <https://us02web.zoom.us/j/7370885635>

Meeting ID: 737 088 5635 or One tap mobile +19292056099,7370885635# US

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To: Selectmen
Board of Health
Building Commissioner
Town Clerk

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

Absent: none

Guests Joining by ZOOM: Norma Avelar, Jeff Aveni, Kevin Young, Matt Pearson, Carolyn Gorss, Edie Snyder, Chris Branard, Jodi Snyder, Brian Carlson, Michael Ferris, Jonathan Niro, Paul Graz, Valerie Daigle, Rob Bujold, John Iwanic

Documents, Plans and other Exhibits

1. Plan – Lot 13A White Pine Drive
2. Plan – Bean Porridge / MA Electric
3. Plan – Overlook and Sargent Road / MA Electric
4. Plan – 84 Knower Road
5. Plan – Whitney Street / DPW
6. Plan – 111 Shady Avenue
7. Plan – 1 Waterman Lane
8. Plan – 7 Waterman Lane
9. Photos – Worcester Road & Mile Hill Road / Wachusett Mt. Assoc.

The meeting was called to order at 7:11 pm by Dan Bartkus.

MINUTES:

The Minutes from November 18, 2021 were unanimously approved.

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7:14 pm Chairman Dan Bartkus made a motion to move into Executive Session to discuss strategy with respect to pending litigation. Matt Marro and Susan Kalagher were invited. The Commission unanimously agreed to enter into Executive Session. The audience was given instructions to leave the meeting and be held in a virtual waiting room for the duration of the Executive Session.

7:26 pm Executive Session was adjourned, the meeting reconvened, and the audience joined the meeting. Dan Bartkus recused himself from all discussion of White Pine Drive and Gary Smith took over as chair. Matt Marro and Robert Gendron recorded the meeting.

ENFORCEMENT ORDER
White Pine Drive
Carlson / Traditional Concepts.

7:27 pm Gary Smith gave an overview of his observations of the items of concern from the Enforcement Order issued August 12, 2021. He has been monitoring the site almost daily and found Traditional Concepts to be in compliance with the Enforcement Order including drain inlet, catch basins, stabilization, and vegetation growth. Robert Gendron stated that he is not satisfied with the drop inlet and Carrie Monty had concerns with the location of the well. Filter socks have been removed from the drains and blockage from leaves have been cleared and the drains were found to be working properly. Robert referred to a video showing escaping water and silt and would like to see a video showing the drains working properly. It was explained that the video was from 2019. It was noted by Mr Gendron that the video he was referring to and asked to review was the recent video from the rain events in November 2021.

Tim Sheehan also observed the drains working properly and suggested that Commissioners make a site visit during a storm event to observe for themselves.

Matt Marro stated that he has been in contact with DEP and they commented that the site is being managed satisfactorily to date. Silt that had previously flowed into Mr. Depres pond was discussed. Robert stated that remediation attempts have failed and would like the Enforcement Order to remain in place until video evidence shows the system to be working properly. Matt Marro also confirmed that the site appears to be stable. Robert made a motion to allow public comment. There was no second or vote on this motion. Gary Smith stated that the abutters have had ample opportunity for public comment. Brian Carlson stated that the drop inlet has been lifted by a foot to allow more capacity and he has done everything that the Commission has requested. A rain event is expected over the weekend and Commissioners will visit the site to observe the drainage system and take any applicable videos.

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

8:33 pm. The continuation of the public hearing was opened. Dan Bartkus was recused from this public hearing. The plan was shared for all to view. Wes Flis gave the overview of the project. The house, a portion of the driveway, and grading are all in the 100 ft. buffer. The project will commence in phases, the first phase being the installation of the septic system and stabilization of that area. A temporary swale will be in place until work on the property is complete. The well location was discussed and Wes Flis will file and record an 81X plan for the

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relocation to the easement. All work will be out of the 25 ft. buffer zone. When asked about variances, Wes Flis emphasized that zoning variances were not needed and there have not been any zoning variances issued. Jeff Aveni stated that this plan was found to be a better option and was approved by the Planning Board at least 14 years ago. Gary Smith reminded everyone that this Commission has jurisdiction with the Wetland Protection Act. Wes reiterated that changing the easement is a line on paper and no work will be involved. Rob Gendron questioned the location of the well and Wes explained that the well location has not been moved; the easement has been moved. The driveway and the steep grade behind the house were discussed. Matt Marro requested that lots be made stable quickly and suggested that a berm of wood shavings (not chips) added to the height and width of the hay bale to stop high velocity water. A double staked silt fence with wire and hay bales will be in place. Gary discussed additional conditions including not allowing stockpiling of dirt on site and work will be in phases. Wes Flis discussed the history of the project including a decision by DPW and Board of Health to not allow sewer tie ins and water connections, but wells would be allowed within 100 ft. of the buffer. Matt Marro spoke with the Board of Health agent and found the septic system approval to be valid and approved by the Board of Health. Matt Marro noted unless he receives further information that shows the matter differently, then he would address it.

Robert Gendron would like to see this in writing. Gary Smith suggested this project be approved with conditions including approval contingent on all items on the enforcement order satisfactorily resolved. Mr Smith , based on Mr. Flis's representation we could potentially approve it with a condition previously stated (Saturday Site inspection to address 2 commissioners concerns on the drainage system) Then noted the above "we got to do this, this things' just been sitting here and we need to move on".

Public comment from any abutters not previously heard at other meetings was welcome. Rob Bujold asked if the Commission take into consideration the person who was granted a waiver. Wes Flis responded that they are not asking for a waiver. Matt Marro shared work notes taken from his discussion with Ann Loree, Board of Health Agent. Mike Ferris who spoke at great length at a previous meeting would like his comments heard as an aggrieved abutter. Robert Gendron and Carrie Monty would like to allow Mr. Ferris to speak. Mr. Ferris discussed CR310 responsible applications with appropriate boards and asked the Vice Chairman if he was familiar with the terms and requirements.

Robert Gendron suggested that this plan was approved by the previous Board of Health agent, who was asked to resign by the Town of Westminster, and questioned her job performance.

Mr. Marro noted that from a legal standpoint, regardless of the prior agent Board of Health , it was approved from he Board of Health and is legally valid.

After more discussion, Tim Sheehan made a motion to continue, seconded by Robert Gendron. A roll call vote was called and the motion carried. 9:56 pm.

9:56 pm. Dan Bartkus returned to the meeting.

RFD

Public Way / Bean Porridge Hill Road

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MA Electric Co.

9:56 pm. Dan Bartkus opened the public meeting requested by Massachusetts Electric Co. for the installation of a new mid-span distribution pole and anchor within the existing disturbed road shoulder of Bean Porridge Hill Road. Carolyn Gorss of BSC Group gave an overview of the project. The plan was shared and was unanimously approved as a negative determination with recommendation by Matt Marro, and with a motion by Tim Sheehan, and second by Carrie Monty. The public meeting was closed at 10:00 pm.

RFD

Public Way / Overlook & Sargent Road

MA Electric Co.

10:00 pm The public meeting requested by Massachusetts Electric Co. for the installation of new poles along Overlook Road and a new grounding grid adjacent to Pole 34 on Sargent Road was opened. Carolyn Gorss of BSC Group gave an overview of the project. The plan was shared. The plan was unanimously approved upon motion by Tim Sheehan and second by Carrie Monty. The public Meeting was closed at 10:02 pm.

Dan Bartkus proposed a 5 minute recess. All were in favor.

10:10 pm. The meeting reconvened.

Abbreviated NOI

84 Knower Road

Nowlan

10:10 pm. The public hearing for a driveway crossing at 84 Knower Road requested by Mathieu Nowlan was not opened. Valerie Daigle who was to represent the applicant had left the meeting.

NOI

Whitney Street Culvert

DPW

10:11 pm The public hearing for the rehabilitation of the Whitney Street culvert was opened. Jonathan Niro and Chris Brainard of BETA Group represented DPW and discussed the failing culvert and the plan to repair it. The plan was shared for all to see. The culvert is located between Upper Reservoir and Wrights Reservoir. Proposed work includes the installation of cofferdams, turbidity curtains, and dewatering of the areas adjacent to both pipe ends. The proposed work will not result in alteration to the bank. The Office of Dam Safety has approved the plan and Natural Heritage has found no problem with this. The project should take about a week. An abutter asked about the removal of vegetation and was assured that no removal was anticipated. Weather could impact the timing of the project. This project was unanimously approved upon motion by Tim Sheehan and second by Carrie Monty. The public hearing was closed at 10:23 pm.

RFD

111 Shady Avenue

Honkonen

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10:23 pm The public meeting for a septic system upgrade at 111 Shady Avenue was opened. Paul Graz of Graz Engineering represented the applicant. The plan was shared for all to see. The septic system plan has been approved by the Board of Health. After review and discussion of erosion control, the project was unanimously approved after a motion by Gary Smith and second by Carrie Monty. The public hearing was closed at 10:31 pm.

NOI
1 Waterman Lane
Mallard Realty Trust

10:31pm. The public hearing filed by Mallard Realty Trust for the construction of a 4 bedroom house with grading within the buffer zone for the driveway at 1 Waterman Lane was opened. Paul Graz of Graz Engineering represented the applicant and shared the plan. Mr. Graz stated that the wetland was created from drainage from the road due to the steep slope. Driveway construction and erosion control was discussed. Concerns with the steep driveway were discussed and the need for fill. Robert Gendron asked if a fill permit would be needed and Mr. Graz explained that a single family home does not require a fill permit. The use of rip rap over jute matting could be used as erosion control. A driveway plan was requested to accompany the NOI. The Commission unanimously voted to continue to the next meeting as a DEP number has not yet been issued upon motion by Robert Gendron and second by Carrie Monty. The public hearing was closed at 10:47 pm.

NOI
7 Waterman Lane
Mallard Realty Trust

10:47 pm. The public hearing filed by Mallard Realty Trust for construction of a 4 bedroom house partially within the buffer of the wetlands at 7 Waterman Lane was opened. Paul Graz shared the plan and gave the overview of the project. Most of the work will be outside the 100 ft. buffer zone. A corner of the house and some grading will be within the buffer. With no further questions, a motion made by Robert Gendron and second by Carrie Monty to continue to the next meeting. The vote was unanimous and the meeting was closed at 10:49 pm.

RFD
Worcester Road & Mile Hill Road
Wachusett Mountain Assoc.

10:49 pm. The public meeting requested by Wachusett Mountain Associates for work along the wetland on Worcester Road and Mile Hill Road was opened. The plan was shared. Kevin Young of Young Landscapes, Inc. gave the description of the work and intends to re-gravel the existing right of way and add an earth berm along the wetland. The back lot is used for storage of lift equipment. With no further questions the plan was unanimously approved upon motion by Carrie Monty and second by Gary Smith. The public meeting was closed at 10:53.

10:53 pm Dan recused from the discussion and vote.

Jeff Aveni, attorney for Brian Carlson and Traditional Concepts advised the Commission that the applicants were not asked and did not agree to the continuation and the Commission was legally obligated to vote. Tim Sheehan made a motion to approve Lot 13A White Pine Drive contingent

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upon completion of the enforcement Order and staging construction. After discussion, a second was made by Carrie Monty. A roll call vote was called and Robert Gendron and Carrie Monty were opposed to the approval of Lot 13 A. The project was denied. ADD TIM AND GARY VOTED IN FAVOR

Cutting Plan – Bean Porridge Hill Road

Matt Pearson, former member of the Conservation Commission, has overseen the cutting plan for forest management of an area of Bean Porridge Hill Road behind Monty Tech. The cutting plan was unanimously approved with all in favor.

61B Right of first refusal – parcel of land owned by Matt Pearson Bragg Hill Road

The parcel does not abut any conservation land and the Commission agreed to not exercise the first right of refusal on this property.

Docu sign

Carrie Monty requested that Matt Marro go back to using DocuSign. Matt will return to this format at this time.

3 Year Extension

The 3 year Extension for DEP #336-0914 was unanimously approved for the TES Overlook Road solar project.

Jodi Snyder

Requested a letter of support for a stabilization fund.

The meeting was adjourned at 11:14 pm.

Respectfully submitted,

Dan Bartkus

Chairman

(prepared by Susan Kalagher)