



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

June 18, 2020

**DUE TO COVID19 TOWN HALL IS CLOSED TO THE PUBLIC, BUT FOR THOSE THAT ARE INTERESTED IN THE CONSERVATION COMMISSION MEETING, THE MEETING WILL BE HELD 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: Chairman Dan Bartkus, Vice Chair Gary Smith, Members: Tim Sheehan, Carrie Monty, Robert Gendron, Agent Matt Marro, and Secretary Susan Kalagher

Absent: none

Guests: Jamie Rheault, Steve Donahue, Jeff Aveni, Betsy Hannula, Jim Cray, Tom Tangen, Lana Kopsala, Jill Normandin, Josh Hall, Steve Browell, Vincent Tafuri, Chris King

Documents, Plans and other Exhibits

1. Plan – 10 Hy Road
2. Plan – 84 State Road
3. Plan – 154 Ellis Road
4. Plan – Ellis Road water tower
5. Plan – 84 Fitchburg Road
6. Plan – 7 Kirali Court

Dan Bartkus called the Zoom meeting to order at 7:00 p.m. The meeting was recorded by Matt Marro and Robert Gendron.

Appointment Betsy Hannula

Betsy Hannula represented the Historical Commission and discussed proposed plans for the Farmers Cooperative building at 62 Leominster Street. The Agricultural Commission would like to add a bathroom and a separate sink and a security system. Dan Bartkus was in favor of moving forward with this. Rob Gendron and Matt Marro volunteered to look over the plans.

**RFD CONTINUATION
10 Hy Road
Tafuri**

7:07 p.m. The continuation of the public meeting requested by Vinnie Tafuri for moving a small deck, installing a patio, new stairs and changing decking material at 10 Hy Road was opened. Matt Marro showed the plan on the screen for all to view. A site visit had be set up to ascertain if the relocation of the deck would be detrimental. Matt Marro, Tim Sheehan, and Dan Bartkus walked the property and agreed that it would not be detrimental to move the deck to the new location. Jill Normandin reported that she believed that only 10% of the property could be developed and asked about recently cut trees. Mr. Tafuri explained that he cut one dead tree. Rob Gendron recused himself from the vote, but would like to maintain his right as an abutter to comment and asked about the removal of the tree. Mr. Tafuri will plant another tree and shrubs. After discussion and upon motion by Gary Smith and second by Tim Sheehan, a roll call vote was called. Carrie Monty, newly arrived to the meeting, abstained. Rob Gendron abstained, Gary Smith, Tim Sheehan, and Dan Bartkus voted in favor. The motion passed and the plan was approved. The public meeting was closed at 7:20 pm.

**NOI
84 State Road West
Bear Investment, LLC**

7:20 pm. The public hearing requested by Karen Aveni/Bear Investments, LLC for improvements to an existing driveway to access a new single family house to be constructed at 84 State Road West was opened. Matt Marro shared the plan for all to see. Chris Mossman represented Bear Investment and had notified abutters. He then gave the overview of the plan as a reduced standard subdivision road with an existing house and a new house to be constructed in the rear. Wetlands had been flagged by Chuck Caron. Mitigation and storm water was discussed. Dan Bartkus asked for questions regarding wetland protection and Gary Smith made a motion to approve, followed by a second from Tim Sheehan. A roll call vote was called: Robert Gendron abstained, Gary Smith, Tim Sheehan, and Carrie Monty, and Dan Bartkus voted in favor. The motion passed and the public hearing was closed at 7:28 pm.

**RFD
154 Ellis Road
Giguere**

7:28 pm. The public meeting requested by John Giguere, Jeanne Ewell, and David Giguere for the replacement of a septic system for an existing single family house at 154 Ellis Road was opened. Matt Marro shared the plan for all to see. Chris Mossman gave the overview of the project and discussed the 100 ft. buffer. There were no questions from the audience or the Commission. Upon motion and second, the plan was unanimously approved. The public meeting was closed at 7:31 pm.

**RFD
Ellis Road Water Tank
Westminster Department of Public Works**

7:31 pm. The public meeting requested by Westminster Department of Public Works for the removal of the existing water tank, and communication building. Matt Marro shared the plan for all to see. Jim Cray and Josh Hall discussed the plan. Chuck Caron delineated the wetland. The replacement tank will be in the same location as the existing tank and materials will be stored on-site during construction only. Matt Marro believed the site was accurately represented on the plan. There were no questions from the audience or the Commission. The plan was unanimously approved and the meeting was closed at 7:37 pm.

RFD
84 Fitchburg Road / solar
TES Rowtier Solar 23 LLC

7:37 pm. The public meeting requested by TES Rowtier Solar 23 LLC was opened. The property is owned by Snowhill Development LLC. Christopher King of Atlantic Design and Tom Hammond gave the overview of the project located behind the wood chip plant on Rowtier Drive and situated within an existing rock quarry. The project was approved last year and now requesting a relocation of the access drive to the existing gravel access road being utilized by the Town. The storm water basin will also be relocated. The new access was coordinated with the DPW and is devoid of vegetation. Erosion control was discussed. There will be a 6 ft. encroachment into the buffer with very little impact. Dan Bartkus asked for questions from the Commission and the audience. Gary Smith suggested a site visit before making a determination and Matt Marro will coordinate a site walk. The public meeting was continued to July 9th.

RFD
7 Kirali Court
Browell

7:49 pm. The public meeting requested by Steven Browell for the construction of a detached garage at 7 Kirali Court was opened. The plan was shared on the screen for all to see. Jamie Rheault of Whitman & Bingham represented Mr. Browell and gave the overview of the project. The proposed garage will be placed at the end on the driveway and located within the existing lawn. Mitigation measures were discussed and Mr. Rheault explained that the wetland was currently dry. Dan Bartkus asked for questions and Gary Smith and Rob Gendron both stated that the plan looked good and upon a motion by Gary Smith a roll call vote was called and the plan was unanimously approved as a negative determination. The public meeting was closed.

EXTENSION – DEP # 336-0570
Westminster Estates
Bartkus

A 3-year extension was requested by Paul Bartkus Sr. for Westminster Estates. Dan Bartkus recused himself and Gary Smith took over as chairman. Phase 1 and 2 have been completed. Matt Marro explained that there had been some erosion events and issued an enforcement order to Brian Carlson and the issue was now well contained. Jamie Rheault represented Westminster Estates and inspected the project. Gary Smith asked if there were questions. Jill Normandin asked why they were not prepared for a major rain event. Jamie Rheault explained that the lots were outside of the 100 ft. buffer under the jurisdiction of the Conservation Commission and run off went into the road and the basin. He further explained that Brian Carlson is in compliance with storm water permits and NPDES. Jill Normandin also asked about the engineer for the Town and it was explained that Matt Marro reviews the sites for the Conservation Commission. Gary Smith then called for a vote. A motion was made by Tim Sheehan and second by Carrie Monty to approve the extension. A roll call vote was taken. Dan Bartkus had recused himself from the vote, Robert Gendron abstained, Tim Sheehan, Gary Smith, and Carrie Monty voted in favor. The motion passed.

Dan Bartkus resumed as chairman.

Certificate of Compliance

The following Certificate of Compliance was approved:

1. Lot 1 North Common Road (rear) #336-0719 – Keith P. Glenny, Esq. / LaFortune, Oldach & Glenny PC

Enforcement Order 66 Frog Hollow Road

Matt Marro reported on the status of 66 Frog Hollow Road. He issued an Enforcement Order to Elijah Ketolah of Edwater Construction. Construction of the crossing had commenced without a 401 water quality certificate required per the Order of Conditions. Also there was a failure to maintain erosion protection. Matt noted that the Conditions expired the end of May and had spoken to the owner and the engineer. No further work will be performed until a public hearing has been held and an Order of Conditions has been issued. A vote to ratify the Enforcement Order was called for and unanimously approved.

Minutes of May 28, 2020

Rob Gendron commented regarding the reference to Steve Donahue's project at 37 Kent Road. Matt Marro explained that there would be no wall in the water and Mr. Donahue was not doing work within the flood plain. A roll call vote was called; Carrie Monty, Dan Bartkus, Tim Sheehan, and Gary Smith voted to approve. Rob Gendron abstained. The motion carried and the minutes were approved.

Conservation Agent report

At the previous meeting, Carrie Monty asked about the dying trees that Gene LeBlanc planted as required by the Conservation Commission. Matt Marro made a site visit and reported that the trees have been replace and the buffer is naturally establishing on its own.

The meeting adjourned at 8:08 p.m.

Respectfully submitted,

Dan Bartkus
Chairman
(prepared by Susan Kalagher)