

# CHARLTON CONSERVATION COMMISSION

## MINUTES

January 6, 2021

I. Call to order:

1. Tom O'Malley called the meeting to order at 7:00
2. Present: Mitch Dunn, Robert Hartwig, Ron Royer, James Allen, Arthur Bellerive and Ed Nowak

II. Scheduled Appointments:

**7:00**

**Invoices:** Staples - \$89.99

Rose Conway presented the invoice to be paid. Tom O'Malley requested a motion to pay the invoice. Robert Hartwig made a motion; Mitch Dunn seconded it. The motion was voted in unanimous favor.

**64 Stevens Park Road – Michael Spencer**

Notice of Intent for Buffer Zone and resource area cleanup and improvement. Some minor grading and site work within the buffer zone areas.

Glenn Krevosky stated that he visited the site and reviewed the plans. He provided a report stating that he had agreed with the wetlands lines.

He commented that it appeared there was lawn and leaf litter deposition in the area of WF 8A and 9A, where presently there is a barren (no plant growth) soil surface. He recommended the applicant be instructed not to place any yard waste in or along the wetland anywhere in the lot. He also recommended when the stone wall is being removed, that the stone and mortar either be removed from the site or stockpiled at the furthest point from the wetlands. In addition, Glenn Krevosky recommended someone to oversee the removal of the existing debris pile shown on the plan and that the wetland area be restored with wetland seed mix and the upland be seeded with a conservation seed mix. Lastly, Glenn Krevosky recommended the applicant to be allowed to remove the multiflora rose from the wetland if they choose to do so. Tom O'Malley requested a motion to close the hearing agreeing with Glenn Krevosky recommendation and issue a Standard Order of Conditions. Mitch Dun made a motion; Ron Royer seconded it. The motion was voted in unanimous favor.

### **241 Sturbridge Road – Steven Goodman**

Notice of Intent for the construction of a 1.2 million square-foot warehouse structure, with associated access drive, loading docks, and parking areas. Associated site grading, retaining wall construction, stormwater management, and utilities also are proposed. Portions of the proposed project will occur within Bordering Vegetated Wetlands (BVW) and within the 100-foot Buffer Zone to BVW. Erosion controls, stormwater management, and wetland replication are proposed

Rose Conway informed the commission that the representative for the project requested continuing the hearing to allow time for a revised plan and to address Art Allen's comments

An abutter – Erin Anderson, came forward with concerns regarding abutter's notifications. She stated that she had just been notified. She mentioned she was out of State and that she did not agree with the State Guidelines on how Public Meeting were being held.

Rose Conway informed her that the Charlton Conservation Commission has been following State's Guidelines. She also stated that the application along with site plans and support materials have been posted online prior to the meetings.

Tom O'Malley requested a motion to continue the hearing. Mitch Dun made a motion; James Allen seconded it. The motion was voted in unanimous favor.

### **Gale Road – Charlton Water Sewer Department**

Notice of Intent for the installation of an access road to a future well field with associated site grading and stormwater improvements

Rose Conway informed the commission that the representative for the project requested continuing the hearing to allow time for a revised plan and to address Art Allen's comments

Tom O'Malley requested a motion to continue the hearing. Arthur Bellerive made a motion; Robert Hartwig seconded it. The motion was voted in unanimous favor.

### **129 Sturbridge Road – Tree House Brewery**

Request of Amendment of Order of Conditions DEP file No. 128-1570 for the construction of a proposed 6,000s.f. equipment storage building.

Art Allen stated that he had reviewed the Stormwater Report and DEP Checklist, the Wetland Delineation Report by Three Oaks Environmental and the Proposed Equipment Barn/Accessory Building site plans revised 12/18/2020. As noted on his report, he explained that no wetland flags were visible and recommended the site to be re-flagged. Mary Ann DiPinto re flagged the wetlands and provided a report. The report and revised plans showed that the wetland area

expanded due to the creation of a wetland replication area, which resulted from the wetland crossing for the existing driveway leading to the brewery facility. Art Allen stated that he was in agreement with the revised wetland delineations and locations. In addition, because of the revised wetland flagging, the limit of work in the vicinity of the stormwater treatment system outfall had become closer to the wetland. He stated that the new limit of work was approximately 12 feet from the wetland in that specific area. Since the majority of the work is well outside the 25-foot setback, he recommended approving the work limits. He also recommended issuing an Amended Order of Conditions for the project site that references the revised documentation submitted as part of the request.

Tom O'Malley requested a motion to close the hearing. Robert Hartwig made a motion; Ron Royer seconded it. The motion was voted in unanimous favor.

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### **50 Freeman Rd – Robert Seer**

Notice of Intent for construction of an in ground pool, pool house, patio, garage, and shifting a stonewall within wetlands and buffer zones.

Art Allen informed the commission that he had reviewed the Notice of Intent and plans last Fall and had provided initial comments. The hearing had been continued for several times while the applicant was working on the revisions. A revised plan provided 12/15/2020 and a comment letter dated 12/29/2020 were provided. He provided a comment dated 1/5/2021. He stated the applicant's representative had addressed the minor comments, including the confirmation of the Intermittent Stream, the removal of existing fill from the wetland buffer zone and had proposed to re vegetated the area. They had also proposed to increase the erosion control by adding silt fence to the wattles and to provide a soil stockpile area to the project. However, the outstanding comment and the priority concerns were not addressed. He explained that the project proposed to fill the wetlands in order to construct a swimming pool and pool house. An alternative analysis was provided; however, it was not feasible to the applicant. Such alternative included re locating the septic reserve system so they could have additional area. The "No-Build" alternative had not been discussed as part of the revised submission and in his opinion, the alternatives presented did not satisfy the avoidance standard because they were not fully developed. If the No-Build alternative had been presented, it would have established the hardship presented by not allowing the applicant to fill wetlands to construct a pool and pool house. He did not believe that a hardship existed because the property was already developed and used as a single-family residence. In his opinion, the existing use is "reasonable" and the need to fill wetlands to gain additional recreational use of the property was not warranted. The proposed project would also leave no undisturbed Buffer Zone between the project and the wetland. He explained that it remained a discretionary project and that the Commission could choose to approve or deny the project based on the information submitted.

Robert Hartwig asked if the project would become more acceptable with the elimination of the pool house.

Art Allen stated that the project would still be at the edge or into the wetlands even with the elimination of the pool house. The alternative submitted was to reduce the overall wetlands fill and increase the proposed replication areas.

James Allen asked if entire project didn't fit on the property.

Allen stated that according to the applicant's representative, they couldn't make it fit. However, he could still see alternative without filling in the wetlands.

Mitch Dunn asked what the alternatives were.

Art Allen stated that the primary alternative would be to re locate the septic reserve area and place the reserve area at a different location which would require Board of Health approval.

Mr. O'Malley asked if the applicant's representative was on the call.

Mitch Maslanka from Goddard Consulting introduced himself stating that he had considered the re location of the reserve; however, it would be a hardship on the applicant.

Rose Conway informed the commission that the DEP also had comments presenting the same concerns.

Arthur Bellerive stated that if the project was approved as proposed, they would be setting the precedence for anyone else who would want to build into the wetlands for recreation purpose. The commission didn't agree with the plans and the representative requested to continue the hearing.

Mr. O'Malley requested a motion to continue the hearing. Arthur Bellerive made a motion; Robert Hartwig seconded it. The motion was voted in unanimous favor.

### **South Charlton Reservoir Fencing Project**

Rose Conway informed the commission that CDR Maguire had initiate the design plan for the South Charlton Reservoir Fencing Project. The fencing would be placed behind (top) of the downstream masonry as a starting point for fall hazard purpose. The fence will be 4ft tall, will consist of green vinyl coated fabric and painted hardware, so it could last longer and delay the onset and appearance of rust.

### **Other Business:**

#### **Enforcement Orders and Violations**

##### **4 Sturbridge Road**

Rose Conway informed the commission that she had issued an Enforcement Order for 4 Sturbridge Road – DEP# 128-1588. She explained that the site had a breach of the perimeter sediment controls at the end of the site near the intersection of South Sturbridge Rd and Route 20 during the heavy rain on Christmas Day. A resident made a complaint to DEP.

Rose Conway stated that she had been working with the applicant and his representative as well as Planning Board director, Randy Benson and Graves Engineering to address the erosion control issues and the restoration of Cady Brook.

#### **Old Spencer Road**

Rose Conway informed the commission that the Highway Department responded to assist in clearing the water from the roadway due to unpermitted work on a cross-culvert under Old Spencer Road, which drains from a wetland across the street and into the vicinity of wetland. She visited the site with Art Allen to assess the violation. During the visit, it was noted that lots B and C had been recently cleared and grading/filling had been done along the frontage, near the proposed driveways. Siltation controls were not in place and most of the wetland flags were missing. In addition, the DEP file number had not been posted on the site.

Rose Conway explained that she contacted DEP due to a Superseding Order of Conditions. She was currently working with DEP and the applicant to address all violations.

#### **Jennings Drive**

Rose Conway informed the commission that she had issued an Enforcement Order for Brookfield Rd/Jennings Drive DEP# 128-1369. She explained that she was contacted by DEP to investigate a resident complaint made during the heavy rain on Christmas Day. The complaint included stormwater runoff and residential flood.

Rose Conway stated that she had visited the site along with one of the commissioners, Planning Board Director and Mike Andrade from Graves Engineering. During the inspection, it came to her attention that the site was not in compliance due to an expired Order of Conditions. The applicant will re-submit the application and a site inspection/peer review will be conducted.

Tom O'Malley requested a motion to adjourn the meeting. James Allen made a motion; Robert Hartwig seconded it. Meeting was adjourned at 8:05 pm.

**Submitted by:**  
**Rose Conway**

**Accepted by Conservation Commission:**

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**Thomas O'Malley**



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**Arthur Bellerive**



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**Robert Hartwig**

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**Mitch Dunn**

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**Edward Nowak**



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**Ron Royer**



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**James Allen**