



TOWN OF CHARLTON CONSERVATION COMMISSION

Meeting Minutes

Wednesday, January 26, 2022
LOCATION: VIRTUAL VIA ZOOM

Members Present: Arthur Bellerive
Robert Hartwig
James Allen
Ron Royer
Mitch Dunn

Members Absent: Thomas O'Malley and Ed Nowak

Also Present: Angela Panaccione, Conservation Director
Rose Conway, Conservation/Stormwater Director Apprentice

1. **Call to Order:** 7:00 PM – Arthur Bellerive (vice Chair)

2. **Public Inquiries**

a. Glen Echo Drawdown

No discussion

3. **Approval of Minutes**

None

4. **Signing of Documents**

None.

5. **Schedule of Public Hearings**

a. Notice of Intent (NOI) DEP# _____ Lot 2 Oxford Rd – Timothy Reardon – The applicant has submitted a Notice of Intent for the construction of a single-family residence with associated site work and utilities

Angela informed the commission that the applicant had requested continuance. Angela recommended continuing to March 9.

Motion made by James Allen to continue the hearing on March 9 at 7pm.

Motion seconded by Robert Hartwig

Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –James Allen, yes -Ron Royer Yes

No further discussion

- b. Notice of Intent (NOI) DEP# 128-1849 – Colburn Rd – Elliott Burlingame Jr.- The applicant has submitted a Notice of Intent for the construction of a single-family house, well, a portion of the septic system and a portion of the driveway in the portion zone.

Glenn Krevosky presented the project. He stated that the project consisted of a single-family home construction in the buffer zone. He had delineated the area and was willing to walk the site with the agent or peer reviewer to confirm the line. He would also provide the approval of the septic design from the Board of Health.

Angela stated that she went to the site but was unable to look the soil due to frozen ground conditions. Glenn stated that he was available to meet Angela on site and break thru the ice. He requested a continuance to February 9 at 7pm.

Angela stated that she would schedule a site walk for the following week.

Motion made by Robert Hartwig to continue the hearing on February 9 at 7pm.

Motion seconded by James Allen

Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –James Allen, yes -Ron Royer Yes, Mitch Dunn – yes

No further discussion

- c. Notice of Intent (NOI) DEP# 128-1846 – 0 Oxford Road – David Robinson – The applicant has submitted a Notice of Intent for the construction of a family house and barn.

Angela informed the commission that she visited the site and didn't have any concerns with the line. She was not sure if the applicant had approval from the Board of Health. The representative for the project was not present.

Angela recommended continuing the hearing to February 9 at 7pm.

Motion made by James Allen to continue the hearing on February 9 at 7pm.

Motion seconded by Ron Royer

Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –James Allen, yes -Ron Royer Yes, Mitch Dunn – yes

No further discussion

- d. Notice of Intent (NOI) DEP# 128- 1848 – 0 A. young Road – Nihad Jassam – The applicant has submitted a Notice of Intent for the construction of a single-family house with a bedroom attached apartment and garage with associated work and utilities.

Angela stated that she was waiting for additional information as well as response to DEP comments. She recommended continuing the hearing to February 9 at 7PM.

Motion made by Mitch Dunn to continue the hearing on February 9 at 7pm.

Motion seconded by Robert Hartwig

Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –James Allen, yes -Ron Royer Yes, Mitch Dunn – yes

No further discussion

- e. Notice of Intent (NOI) DEP# 128-1852 – 88 Glen Echo Shore Drive – William Rand -The applicant has submitted a Notice of Intent for the replacement of a retaining wall and the installation of five granite steps.

William Rand presented this project stating that his retaining wall is unsafe and would like to replace the wall and the steps at the same location.

Angela stated that the application was an after the fact filing due to a violation. She had visited the site and didn't have any concerns. She would recommend closing the hearing; however, a DEP number had not been issued.

Motion made by James Allen to continue the hearing on February 9 at 7pm pending on DEP No.

Motion seconded by Robert Hartwig

Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –James Allen, yes -Ron Royer Yes, Mitch Dunn, yes

No further discussion

- f. Request for Determination (RDA) – 85 Baker Pond Road – Alan Leone – The applicant has filed a Request for Determination of Applicability for the removal of 24 trees.

Angela stated that she conducted a site visit and the closest tree to be removed was an oak tree located two feet from the water. She explained that few trees had been damaged by the wind and few trees near the swamp area had severe beaver damage. Robert Hartwig asked if stumps were being removed. Angela stated that she would write conditions to only grind the stumps and perform the work during frozen ground conditions.

Motion made by Ron Royer to make a Negative Determination that the work described in the Request is within the Buffer Zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. Given a Standard Tree Removal Conditions

Motion seconded by Robert Hartwig

Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –James Allen, yes -Ron Royer Yes, Mitch Dunn – yes

- g. Requested for Determination of Applicability – 35 Main Street – George Markopoulos – The applicant has submitted a Request for Determination of Applicability for the reclassification of the stream status

Glenn Krevosky presented the project. He thanked the commission and Angela for the site walk. He requested the commission to accept the information provided and reinstate that the stream was intermittent.

Angela thanked Glenn for his presentation. However, she stated that she would still stand by her recommendation and would like to see more recent data. She recommended waiting until July to see if the stream would dry up.

After discussion, Robert Hartwig asked if there was any reason why the commission could not be more restrictive than the State; instead of being ambiguous and requiring four days in a 12-month period, it would make more sense to say, four days in the last 36 months or at the last 24 months. He asked if there was anything that prohibits them from adopting that practice.

Angela stated no. After discussion, the commission voted.

Motion made by Mitch Dunn to make a positive determination that the boundaries of the stream channel are designated as intermittent from the culvert up gradient.

Motion seconded by Ron Royer

Roll Call - Robert Hartwig, abstain – James Allen, yes -Arthur Bellerive, yes, Mitch Dunn, yes, Ron Royer – yes

No further discussion

6. Requests for Certificates of Compliance

a. DEP # 128-1732 – 19 Carroll Hill Rd

Angela Panaccione stated that she was waiting for the as built for the project on 19 Carroll Hill Road

b. DEP# 128-804 – 13 Colicum Drive

Angela Panaccione stated that she was waiting for the as built for the project on 13 Colicum, Drive. Steven Pikul from Bertin Engineering informed that he was under the impression that the as built had already been submitted. Angela stated that she would be willing to recommend issuing the Complete Certificate upon receiving the as built.

Motion made by James Allen to issue a Complete Certificate of Compliance

Motion seconded by Robert Hartwig

Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –James Allen, yes -Ron Royer Yes, Mitch Dunn, yes

No further discussion

7. Violations & Enforcement

Worcester Road – Parcel 36-B-2.5

Angela followed up on the complaint made by a resident regarding the violation on Worcester Road. The complaint stated that someone had recently dug a large, long (maybe 1/5 mile long) trenches with a backhoe which appeared to be purposefully draining wetlands adjacent to the Midstate Trail in Charlton; photos were submitted. The location was north from the trail head at 88 Carroll Hill Rd, to the crest of the hill, on the left at the trail fork. It also stated that the trench drained a vernal pool (which existed at the fork in the trail) and was draining a larger swamp as well.

Angela went to the site and confirmed that a violation had occurred. She was working with Mass DEP and asked the commission to issue an Enforcement Order.

Mitch Dunn and Ron Royer stated that they went to the site; they only saw one trench and didn't see a problem with it. Mitch asked not to issue the EO; Angela explained that DEP could take Departmental Action.

The Enforcement Order was not issued.

8. Meeting Adjourned: 8:39 PM

Motion made by Arthur Bellerive to adjourn at 8:39 PM

Motion was seconded by Robert Hartwig

No further discussion

Submitted by:
Rose Conway

Accepted by Conservation Commission:

APPROVED – Via zoom

Edward Nowak

APPROVED – Via zoom

James Allen
