



# TOWN OF CHARLTON CONSERVATION COMMISSION

## Meeting Minutes

Wednesday, February 9, 2022

LOCATION: VIRTUAL VIA ZOOM & IN PERSON

**Members Present:** Arthur Bellerive  
Ed Nowak  
Ron Royer  
Robert Hartwig (via Zoom)

**Members Absent:** Thomas O'Malley, James Allen and Mitch Dunn

**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**

3. **Approval of Minutes**

**Motion made by Ed Nowak to approve the minutes from January 12, 2022.**

**Motion seconded by Ron Royer**

**Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes – Ron Royer Yes, Ed Nowak. yes**

**No further discussion**

4. **Signing of Documents**

None.

5. **Schedule of Public Hearings**

- a. **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.

Angela stated that she confirmed the wetland lines and didn't have any concerns with the project. She recommended closing the hearing and issuing a Standard Order of Conditions.

**Motion made by Robert Hartwig to close the hearing and issue the Order of Conditions.**

**Motion seconded by Ed Nowak**

**Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –Ron Royer Yes, Ed Nowak – yes  
No further discussion**

- b. 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.

Alton Stone from Alton Engineering presented the project. Angela stated that the wetland line was very clear and had no concerns. She recommended closing the hearing and issuing an Order of Conditions.

**Motion made by Robert Hartwig to close the hearing and issue a Standard Order of Conditions.**

**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**

- c. 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.

Alton Stone from Alton Engineering presented the project. Sheet number one and two of the submitted plans were discussed. The commission reviewed the wetlands and River Front Area. Mr. Stone stated that no work was proposed on the Owl Old Brook.

Arthur Bellerive asked if the plan meet the two third upland. Alton Stone stated yes.

Ed Nowak asked if the two thirds had to be contiguous. No one could answer the question. Ed also asked if the applicant had BOH approval. Stone stated that he had completed only the soil evaluation and perc test; however, the entire design had not been designed. Ed Nowak explained that the Conservation Commission usually requires BOH approval prior to make its decision. Stone explained that the septic system would be located outside the 50ft buffer. Stone explained that we would like to find out if the commission had any major objection against the project or would deny the project prior to designing the septic system and submitting it to the BOH.

Ed Nowak asked if Angela had walked the site. She stated that the retaining wall was very close to the wetland. She asked how tall the wall was. Stone stated that the wall was roughly 4ft.

Angela asked if he had considered placing the apartment above the garage as an alternative analysis. Stone stated that he didn't know if it were allowed by Zoning. Arthur Bellerive asked if the plans had already been submitted to the Building Inspector. Alton Stone stated no.

Arthur Bellerive asked to add the stockpile location on the plan.

Angela recommended continuing the hearing to March 9<sup>th</sup> so the engineer would have the time to go in front of BOH and Building.

**Motion made by Ed Nowak to continue the hearing to March 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**

- d. 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.

Angela informed the commission that the DEP NO. had been issued. She recommended closing the hearing and issuing a Standard Order of Conditions.

**Motion made by Robert Hartwig to close the hearing and issue the Order of Conditions**

**Motion seconded by Ed Nowak**

**Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –Ron Royer Yes, Ed Nowak – yes**

**No further discussion**

- e. Notice of Intent (NOI) DEP# 128-1850 – 19 South Charlton Shore Road – Jake Gryb – The applicant has submitted a Notice of Intent for the construction of an addition on an existing home.

Steven B. from Land Planning presented the project. The commission discussed the submitted plan. Steven explained that the resource alteration was taking place outside the 50ft buffer.

Arthur Bellerive asked if he was proposing any work on the outer building. Steven stated no.

Angela mentioned she noticed “See note 14” on the plan, but there wasn’t a note 14. Steven explained that it should show “See note 13”.

She didn’t see any issues with the project and recommended to close the hearing and issue the Order of Conditions.

**Motion made by Ron Royer to close the hearing and issue the Order of Conditions**

**Motion seconded by Ed Nowak**

**Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –Ron Royer Yes, Ed Nowak – 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

## **7. Violations & Enforcement**

Worcester Road – Parcel 36-B-2.5

Angela informed the commission that she had performed a site visit with Peter Engle from McClure Engineering and the property owner.

Peter explained that the wetland scientist was in the beginning process of delineating the wetlands.

Angela requested two plans: one showing the existing conditions and a restoration plan.

Ron Royer asked if the engineer could describe the violations.

Peter explained that there was an old driveway near the route 20 which was creating a pounding area, and a pipe was clogged. The property owner tried to unclog the pipe by removing it.

Also, further to the north, it appeared to have an intermittent stream/wetland. The property owner excavated the bank and resource area without a permit. Finally, he stated that he will not know the fully extend of the violations until the area was surveyed and the wetland was delineated.

Angela recommended issuing an Enforcement Order due to the Resource area violation. She explained that it was the easier way to proceed instead of filing for an NOI.

**Motion made by Ed Nowak to issue an Enforcement Order**

**Motion seconded by Ed Nowak**

**Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –Ron Royer Yes, Ed Nowak – yes**

Arthur Bellerive asked if the Conservation Director needs to wait for two weeks until issuing an Enforcement Order. Angela answered no. Ed Nowak stated that it would defeat the purpose.

Angela explained that a complaint was brought up to the Board of Selectmen regarding her issuing Enforcement Orders. So, she was advised to not issue Enforcement Order unless the Commission issues it. After discussion, the commission chose to vote.

**Motion made by Robert Hartwig to give the Conservation Office authority to issue Enforcement Orders that will be ratified by the Commission at the next hearing as permitted under the Wetland Protection Act and regulations and DEP enforcement manual. In addition, provide information/pictures to the commission as soon as possible prior to the hearing.**

**Motion seconded by Ed Nowak**

**Roll Call – Arthur Bellerive, yes – Robert Hartwig, yes –Ron Royer Yes, Ed Nowak – yes**

## **8. Meeting Adjourned:**


**Motion made by Ron Royer to adjourn at 8:25 PM**

**Motion was seconded by Robert Hartwig**

**No further discussion**

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

**Accepted by Conservation Commission:**

  
**Robert Hartwig**

  
**Arthur Bellerive**