

CHARLTON CONSERVATION COMMISSION

MINUTES

March 3, 2021

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

- II. Scheduled Appointments:

7:00

Certificate of Compliances

16 Sturbridge Rd – Elias Hanna – DEP# 128-1645

Rose Conway informed the commission that Bertin Engineering had request a COC for the address above and that the applicant had never commenced work. She stated the she conducted a site visit with Arthur Bellerive and recommended issuing a complete Certificate. Tom O'Malley requested a motion to issue the Certificate of Compliance. Ron Royer made a motion; Robert Hartwig seconded it. The motion was voted in unanimous favor

Extensions:

45 J. Davis Road – DEP# 128-1629

Rose Conway recommended extending the Order of Conditions DEP# 128-1629. Tom O'Malley requested a motion to extend the Order. Arthur Bellerive made a motion; James Allen seconded it. The motion was voted in unanimous favor.

173 Sunset Drive – DEP#128-1668

Rose Conway recommended extending the Order of Conditions DEP# 128-1668. Tom O'Malley requested a motion to extend the Order. Robert Hartwig made a motion; James Allen seconded it. The motion was voted in unanimous favor

Request for Land Removal from Chapter 61A

Lot 2 North Sturbridge Road – Parcel ID 14-B-1

Rose Conway presented the Request for Land Removal from Chapter 61A for Parcel ID 14-B-1. Tom O'Malley requested a motion to exercise the commission's first right of refusal. Robert Hartwig made a motion; Ron Royer seconded it. The motion was voted in unanimous favor.

22 Jennings Drive – Gary Manson

Notice of Intent for the construction of a single family home with onsite septic, private well and associated site work

Art Allen informed the commission that he reviewed the NOI and visited the site along with Rose Conway. Site Visit Report Attached.

An abutter from 174 Brookfield Rd came forward. Nancy Madelle had questions regarding clearing near the wetlands that abuts her property. She wanted to know if it would affect her property. Nick from Summit Engineering stated that the proposed work will be kept on the 25ft buffer zone. She mentioned that she believed that her well failed few years ago due to previous constructions nearby. Nick stated that the proposed well will be about 400ft of Jennings Rd- not close to Brookfield Rd. Nancy stated that her woods abuts her property. She also stated that she had been having issues with higher volume of water flooding her yard coming from 78 Jennings Drive. Rose Conway explained that she would be discussing this separate matter on a later time.

Neither the commission nor the engineer could or had any ways of guaranteeing that her well would not be affected as previously.

Rose Conway recommended continuing the hearing due to the lack of a DEP File Number. Tom O'Malley requested a motion to continue the hearing. James Allen made a motion; Mitch Dunn seconded it. The motion was voted in unanimous favor.

36A Young Rd – Sean & Emily Clifford

Notice of Intent for the Construction of a horse barn on an existing lawn area

Art Allen informed the commission that he had revised the NOI and supportive documents and had visited the site. Site Visit Report attached.

Art recommended issuing a Standard Order of Conditions.

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

111 Smith Road – Pelic Krzyztof

Notice of Intent for the construction of a single family home along with associated grading, landscaping and utilities within the 100' buffer of a bordering vegetated wetland

Art Allen stated he reviewed the project several times. Reports and Memos attached.

He explained that the lot was partially developed under an expired Order of Conditions and a new NOI was filed to complete the development on the lot. Art Allen requested the applicant to bring the site back into compliance.

The engineer for the project confirmed that his client would like to move ahead with the existing condition.

Art Allen recommended not approving the revised plan and issuing a denied Order of Conditions. He also recommended keeping the Enforcement Order in place until the site is back into compliance.

Tom O'Malley requested a motion to deny the application and to close the hearing. Robert Hartwig made a motion; Arthur Bellerive 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 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

26 Eleanor Lane, Lot 17 – Danielle Lemaire

After the fact Notice of Intent for the construction of a single family home within the 100' buffer zone

Rose Conway informed the commission that the property was built without Conservation Approval. She recommended continuing the hearing until the plans were submitted. Tom O'Malley requested a motion to continue the hearing. James Allen made a motion; Mitch Dunn seconded it. The motion was voted in unanimous favor

58 Prindle Hill Rd – Kevin Brassard

Amendment to an existing Order of Conditions for the installation of a winding path within 100' of a lake

Rose Conway stated that she visited the property with Arthur Bellerive. The Applicant requested an amendment to the Order of Condition for the installation of a winding path. The path would be constructed with crushed stone to easy the walk down. Few steps would be

installed using concrete blocks. Siltation control and wattles would be installed to avoid any sediments entering the resource area.

Rose Conway recommended the commission to amend the existing Order.

Tom O'Malley requested a motion amend the Order. Arthur Bellerive made a motion; Mitch Dunn seconded it. The motion was voted in unanimous favor

Brookfield Rd at Cady Brook – DPW

Notice of Intent for the replacement of an existing bridge, paving, stormwater improvements and associated site work

Scott Jordan from EcoTec presented the project. The project consisted of the replacement of location of the bridge decking and slight modification of the turn on route 31 allowing for the installation of a catching basin to improve the Stormwater management in the area. Repair of the interior wall would be done during the summer. Either a cofferdam or flow thru pipes would be installed. The final plans would be presented by the contractor to EcoTec and McClure engineers for approval.

Rose Conway stated that the project was reviewed by Glenn Krevosky. Glenn raised concerns regarding the limit of work, cutting of the trees and lack of environmental monitoring.

Scott stated that he didn't believe tree would be cut.

Rose Conway recommended continuing the hearing until the revised plans were submitted showing the limits of work, tree cutting, if any. She also stated that she would recommending environmental monitoring as a special condition.

Tom O'Malley requested a motion to continue the hearing. Mitch Dunn made a motion; Ron Royer seconded it. The motion was voted in unanimous favor.

51 Hollywood Drive – Adam Burkitt

Request for Determination of Applicability for the removal of hazardous oak tree

Rose Conway stated that she visited the property with Arthur Bellerive. The property owner was proposing to remove a dead tree. No stump removal.

Tom O'Malley request a motion to issue a Negative Determination. Arthur Bellerive made a motion, Mitch Dunn seconded it. The motion was voted in unanimous favor.

Fencing at South Charlton Reservoir Update

Rose Conway informed the commission that she was waiting for an agreement between the town and an abutter in order to proceed with the bidding process.

Tom O'Malley requested a motion to adjourn the meeting. James Allen made a motion; Robert Hartwig seconded it. Meeting adjourned at 7:45 pm



EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES
102 Grove Street
Worcester, MA 01605-2629
508-752-9666 / Fax: 508-752-9494

MEMORANDUM

Date: February 24, 2021

To: Charlton Conservation Commission

From: Arthur Allen, CPSS, CWS, CESSWI

Re: NOI Peer Review Results – 22 Jennings Road, Charlton, MA (DEP File No. 128-????)

Via E-Mail

Page 1 of 3

Per the Commission's request, I reviewed the project file and visited the site on February 24, 2021. Rose Conway, Acting Conservation Agent, accompanied me on the site visit. Below you will find a list of the documents I reviewed, followed by my comments on the project, along with my recommendations in *italics*.

Documents Reviewed:

- MA DEP NOI File Number Lookup Webpage;
- Notice of Intent and related documents under cover from Summit Engineering & Survey, Inc. Notice of Intent was signed on February 5, 2021;
- Wetland Delineation Report, with DEP Field Data Forms, by Caron Environmental Consulting dated December 14, 2020;
- Sewage Disposal System Plan by Summit Engineering dated February 8, 2021.

Comments:

The subject of the Notice of Intent ("NOI") is construction of a single-family home with a septic system and well on an undeveloped and formerly wooded property. The only Wetland Resource Area, in the vicinity of the proposed project, is Bordering Vegetated Wetland ("BVW"). I found the BVW to have been accurately delineated and located. As depicted in the attached site photo, I noted that trees in most of the proposed work area had recently been cut and dropped without log or stump removal. Quite a bit of the clearing is within the 100-foot Buffer Zone and trees had been dropped into the 25-foot Buffer Zone. *Since a NOI has been filed for this work, I see no reason for enforcement action, at this time.*

The DEP File Number Lookup Page does not list the project. *The applicant should confirm that the NOI and filing fee was provided to DEP.*

A detailed sequence of construction and stabilization should be provided. This sequence should address removal of the existing downed trees from the 25-foot Buffer without operating heavy equipment in the 25-foot Buffer. The sediment control barrier should be installed immediately after removing the downed trees. The sequence should specify how and when the proposed slopes and exposed soils will be stabilized to prevent runoff into the wetlands. "Loam and seed" is proposed in the project narrative but this is insufficient for rapid and effective stabilization of the buffer slopes proposed. At a minimum, tackified hydroseed with mulch, anchored jute mesh or erosion control blankets, over topsoil/loam, should be proposed for stabilization. Inspection of slopes and sediment control barriers, with repairs as necessary, should be done at least weekly and after precipitation events of 0.25-inches or greater in 24-hours.

Given the unpermitted work that has already been done on the site, combined with the remote location, I recommend that a permanent barrier be provided, along the limit of work, within the 100-foot Buffer. This barrier can consist of a row of boulders (minimum 2-foot diameter, 6-feet on-center), rail fencing, or similar.

Thank you for the opportunity to provide these comments. Please let me know if you have any questions.

AA/Monitoring/Charlton 22 Jennings EcoTec Review Memo 2.24.2021



Photo taken on 2/24/2021 showing tree clearing within the Buffer Zone



EcoTec, Inc.

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MEMORANDUM

Date: February 25, 2021

To: Charlton Conservation Commission

From: Arthur Allen, CPSS, CWS, CESSWI

Re: NOI Peer Review Results – 36 A Young Road, Charlton, MA (DEP File No. 128-????)

Via E-Mail

Page 1 of 3

Per the Commission's request, I reviewed the project file and visited the site on February 24, 2021. Below you will find a list of the documents I reviewed, followed by my comments on the project, along with my recommendations in *italics*.

Documents Reviewed:

- MA DEP NOI File Number Lookup Webpage;
- Notice of Intent and related documents under cover from McClure Engineering, Inc., dated February 17, 2021. Notice of Intent was signed on February 16 & 17, 2021;
- Wetland Delineation Report, with DEP Field Data Forms, by Three Oaks Environmental, dated December 17, 2020;
- Building Permit Plot Plan by McClure Engineering dated February 8, 2021.

Comments:

The subject of the Notice of Intent ("NOI") is construction of a barn and fencing on a developed residential property. Based on review of Conservation files, the property was permitted and developed in or around 1993. Wetland Resource Areas present, in the vicinity of the proposed project, are Riverfront Area and Bordering Vegetated Wetland ("BVW"). I found the BVW and Riverfront Area/Mean Annual High Water Line to have been accurately delineated and located. The project is proposed within existing lawn area and no cutting or removal of woody vegetation is proposed. Minimal grading is proposed and a staked straw wattle is proposed at the limit of work.

The DEP File Number Lookup Page lists the project but, as of today's date, no file number has been issued.

The project is well-designed and presented. Although it falls within the Riverfront Area, the site was developed prior to 1996 and the project footprint of disturbance is well under the 10% allowable threshold for Outer Riparian Zone disturbance and the only proposed work within the Inner Riparian Zone is the installation of fence posts at the edge of existing lawn. *I recommend issuance of a standard Order of Conditions with reference to the submittals listed above.*

Thank you for the opportunity to provide these comments. Please let me know if you have any questions.



EcoTec, Inc.

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MEMORANDUM

Date: February 25, 2021

To: Charlton Conservation Commission

From: Arthur Allen, CPSS, CWS, CESSWI

Re: NOI Peer Review Results – 111 Smith Road, Charlton, MA (DEP #128-1805)

Via E-Mail

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I received and reviewed a response to comments letter and a revised site plan for this project. The response to comments letter was dated February 24, 2021 and the Resource Area Plan of Land was revised through February 24, 2021. Below you will find my comments on the revised project with my recommendations in *italics*.

The missing wetland flag has been located and the plans adjusted accordingly. *No further comment.*

The proposed house was rotated to increase the wetland setback to the extent practicable. *No further comment.*

The applicant is proposing to move forward based on the existing limits of clearing and limits of filling. Clearing and filling was done in violation of the original Order of Conditions. The applicant is requesting relief from having to comply with the limits set in the original Order and to leave fill in place without any vegetative restoration. *I strongly recommend against allowing unpermitted fill to remain in place.* The applicant's representative states that removal of unauthorized fill will present a greater risk to the wetlands. I disagree as the site will have to be re-graded and re-stabilized regardless of whether excess fill is removed or not. Assuming siltation controls, effective, rapid stabilization and re-vegetation are implemented, there should be no increased risk to the wetlands. In fact, the wetlands will be better protected by providing an enhanced buffer area. *I continue to maintain that excess fill be removed and the excess cleared area be re-vegetated with native, woody vegetation such that the proposed project conforms to the limits approved under the previous Order of Conditions. I also recommend that a permanent barrier be provided, at the original work limits, consisting of a row of boulders (minimum 2-foot diameter, 6-foot on-center), post and rail fencing, or similar. These revisions should be depicted on revised site plans prior to closing the public hearing.*

Thank you for the opportunity to provide these comments. Please let me know if you have any questions.



EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street

Worcester, MA 01605-2629

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MEMORANDUM

Date: January 14, 2021

To: Charlton Conservation Commission

From: Arthur Allen, CPSS, CWS, CESSWI

Re: NOI Peer Review Results – 111 Smith Road, Charlton, MA

Via E-Mail

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Per the Commission's request, I reviewed the project file and visited the site on January 13, 2021. Below you will find a list of documents reviewed along with my comments on the project and my recommendations in *italics*.

Documents Reviewed:

- ✓ Notice of Intent WPA Form 3 and associated documents under cover dated January 6, 2021;
- ✓ Resource Area Plan of Land by Guerriere & Halnon, Inc., dated January 6, 2021;
- ✓ Order of Conditions WPA Form 5 - EXPIRED (DEP File No. 128-1386);
- ✓ Sewage Disposal System Plan by Seth L. LaJoie & Assoc., Inc. dated January 31, 2011.

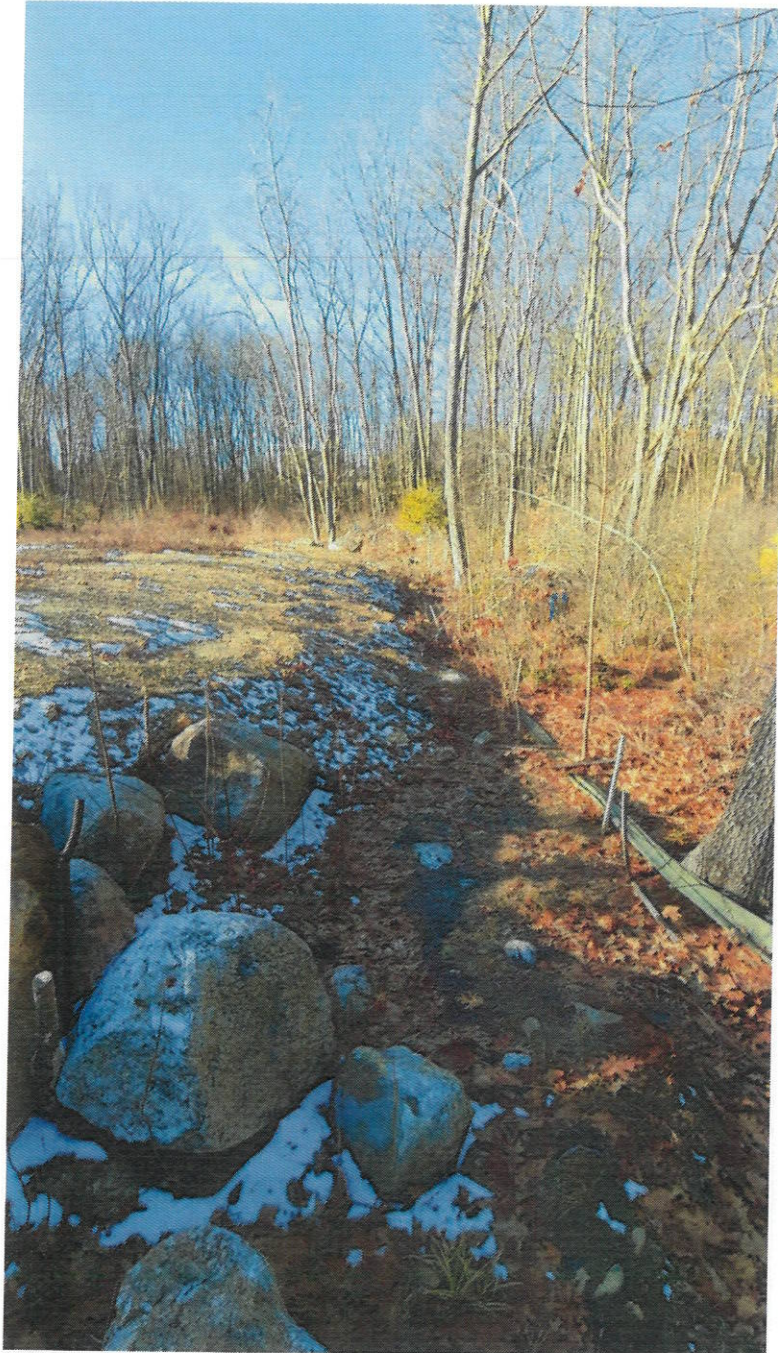
Comments & Recommendations:

The project includes a single-family house, driveway, septic system and well. Wetland resource areas, in the project vicinity, are limited to Bordering Vegetated Wetland. With one exception, I am in agreement with the delineated and surveyed wetland flagging. Wetland flag 11A was missed in the survey. Flag 11A is in place in the field and I tape measured it as follows: 28 feet from A10 and 33 feet from A11. *The missing flag should be depicted on the plan and the limit of work barrier revised accordingly.*

The project area was previously disturbed under an expired Order of Conditions (DEP File No. 128-1386). It appears that the existing clearing and fill exceeds the previously permitted limits. Existing fill was noted within approximately 5 feet of the wetland. A photo of the existing limit of fill adjacent to wetland flags 5A to 11A is attached. It also appears that the proposed structure is closer to the wetland than the structure that was previously approved. *The proposed work limits should be adjusted to be no closer to the wetland than were previously approved. Existing, dilapidated siltation fencing should be removed and replaced with a temporary barrier at the existing fill limits. Existing fill extending beyond the limit of what was previously approved should be removed and restoration plantings and stabilization proposed to restore the excess, disturbed buffer areas. The siltation fence should be moved to the permanent work limit upon removal of excess fill. Notes and details on construction site stabilization should be provided. The proposed house should be rotated to increase the setback from the house to the wetland as much as possible.*

Thank you for the opportunity to provide these comments. Please let me know if you have any questions.

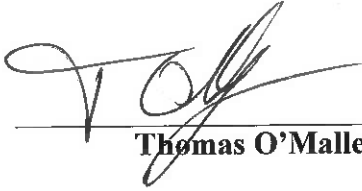
AA/Monitoring/Charlton Lot 1, 28 Hammond Hill EcoTec Review Memo 11.3.2020



Existing Limit of Work and fill on January 13, 2021

Submitted by:
Rose Conway

Accepted by:
Conservation Commission



Thomas O'Malley

Arthur Bellerive

Robert Hartwig

Mitch Dunn

Edward Nowak

Ron Royer

James Allen