



# TOWN OF CHARLTON CONSERVATION COMMISSION

## Meeting Minutes

Wednesday, March 22, 2023

LOCATION: VIRTUAL VIA ZOOM & In Person

**Members Present:** Tom O'Malley  
Mitch Dunn  
Ron Royer  
Ed Nowak  
Jackie Nowak  
Arthur Bellerive  
James Allen (via Zoom)

**Members Absent:** none

**Also Present:** Angela Panaccione

1. **Call to Order:** 7:00 PM – Tom O'Malley

2. **Mail/Correspondence**

3. **Public Inquiry**

### Blood Road Culvert

Mr. Lemansky, resident of 157 Sunset Drive, addressed the commission regarding the ongoing issue related to the culvert installation at Blood Road. He stated that since the culvert repair was made, the level of water has been raised and had impacted the property on 32 Blood Road. Mr. Lemansky also stated that he did not agree that the water level increase was related to beaver activity due to the direction of the water flow. He introduced Mr. Peel, a former Charlton Highway employee.

Mr. Peel stated that while excavating the existing stone box during the culvert replacement work, a decision was made to stop removing the stones and the new culvert was placed on top of the existing stones causing the new culvert to be at a higher level from what it originally was. He estimated that the new culvert was 18 inches higher than it was supposed to be.

Matthew Bishop, the property owner of 32 Blood Road stated that the water was still accumulating, and trees were falling.

Mr. Lemansky stated that a third-party assessment to confirm the height of the culvert should occur and that the cost should not be the responsibility of the property owner.

Tom O'Malley stated that the commission didn't have the authority to request the culvert to be evaluated and that the matter should be brought in front of the BOS or Town Administrator. Angela Panaccione explained that the commission had the authority because the Commission had issued the Emergency Permit.

Mitch Dunn stated that Ron Royer and himself had spoken to Gerry Foskett in person and that Gerry Foskett was adamant that the culvert was installed correctly. Mitch Dunn agreed with Mr. Lemansky; however, he didn't believe Gerry Foskett would hire an engineer.

Tom O'Malley stated that the commission did not have funds to hire an engineer; therefore, the issue should be resolved by the BOS.

Arthur Bellerive stated that he had been to the area and that it was clear that something was done wrong and had to be corrected.

Angela explained that there were different ways the situation could be handled:  
The Commission could issue an Enforcement Order to DPW requesting the culvert to be corrected.  
The property owner could contact DEP if the commission did not act.

Mr. Lemansky offered to contact the Town Administrator/BOS. The commission agreed.

Stephen Koronis, chairman of the BOS asked who had approved the work.  
Angela explained that the Conservation Commission had issued an Emergency Permit to DPW to allow the work to be completed within 30 days instead of filing for a Notice of Intent.

#### **4. Schedule of Public Hearings**

- a. 7:00 PM Notice of Intent (NOI) DEP# – 128-1888 – Lot 122B, Oxford Road- The applicant has submitted a Notice of Intent for the construction of a single-family home with well, septic and driveway/parking area.

Scott Morrison from EcoTec presented the project. He presented the revised plan with the addition of the infiltration system. Angela recommended closing the hearing and issuing an Order of Conditions

**Motion made by Mitch Dunn to close the hearing and issue a Standard Order of Conditions**

**Motion seconded by Ed Nowak**

**No further discussion**

- b. 7:00 PM Notice of Intent (NOI) DEP# – 128-1887 – Lot 122C, Oxford Road- The applicant has submitted a Notice of Intent for the construction of a single-family home with well, septic and driveway/parking area.

Scott Morrison from Ecotec presented the project. He explained that he would address the need of the installation of a culvert with DPW once the driveway permit was issued.

Angela stated that the applicant would increase the resource area impact with the installation of the culvert; therefore, it would not be eligible for an amendment and a new NOI would have to be filed.

**Motion made by James Allen to close the hearing and issue the Order of Conditions including replication, dewatering and culvert.**

**Motion seconded by Mitch Dunn**

**No further discussion**

- c. 7:00 PM Notice of Intent (NOI) DEP# – – Lot 3 Hill Road- The applicant has submitted a Notice of Intent for the construction of duplex house with parking area, septic tank, and pump chamber all with associated grading.

Angela informed the commission that the applicant requested to continue the meeting.

**Motion made by Ed Nowak to continue the meeting to April 12, 2023**

**Motion seconded by Jackie Nowak**

**No further discussion**

- d. 7:00 PM Notice of Intent (NOI) DEP# 128-1890 – Lot 4B Oxbow Road- The applicant has submitted a Notice of Intent for the construction of a single-family home with septic system and associated utilities.

Angela informed the commission that the applicant requested to continue the meeting.

**Motion made by Ed Nowak to continue the meeting to April 12, 2023**

**Motion seconded by Mitch Dunn**

**No further discussion**

- e. 7:00 PM Notice of Intent (NOI) DEP# 128-1880 – Griffin Road – The applicant has submitted a Notice of Intent for the construction of a battery energy storage system within 100ft Buffer Zone of a BVW

Tom Corbett from Zero Point updated the commission. He stated that the project was still in front of the Planning Board and that the subdivision had been approved. Tom stated that he submitted the revised plans and was now waiting for the approval of the special permit. He requested the meeting to be continued until then.

**Motion made by Ed Nowak to continue the meeting to April 12, 2023**

**Motion seconded by Mitch Dunn**

**No further discussion**

- f. 7:00 PM Notice of Intent (NOI) DEP# 128- 1884 – Lot 7 Harrington Rd - The applicant has submitted a Notice of Intent for the construction of a single-family home with well, septic and driveway.

Angela informed the commission that the applicant requested to continue the meeting.

**Motion made by Mitch Dunn to continue the meeting to April 12, 2023**

**Motion seconded by Ed Nowak**

**No further discussion**

- g. 7:00 PM Notice of Intent (NOI) DEP# 128-1886 – Lot 8 Harrington Rd - The applicant has submitted a Notice of Intent for the construction of a single-family home with well, septic and driveway.

Angela informed the commission that the applicant requested to continue the meeting.

**Motion made by Ed Nowak to continue the meeting to April 12, 2023**

**Motion seconded by Mitch Dunn**

**No further discussion**

- h. 7:00 PM Notice of Intent (NOI) DEP# \_\_\_\_\_ – Lot 2 Pumpkin Lane - The applicant has submitted a Notice of Intent for the construction of a single-family home and driveway within 100ft of Prindle Lake

Angela informed the commission that the applicant requested to continue the meeting.

**Motion made by Ron Royer to continue the meeting to April 12, 2023**

**Motion seconded by Mitch Dunn**

**No further discussion**

- i. 7:00 PM Notice of Intent (NOI) DEP# 128-1891 – 51 Cranberry Meadow Shore - The applicant has submitted a Notice of Intent for the replacement of a failed septic system cesspool with a new septic system tight tank.

Jay Dubois from DC Engineering presented the project. He stated that the property had a failed septic system on the water side of the house and the well was located on the street side. He was proposing the installation of a tight tank and explained that the existing sewer went out towards the lake and that there was a cesspool underneath the existing deck.

Angela informed the commission that the Board of Health had not approved the plans and that DEP had requested the applicant must demonstrate that no alternative analysis was feasible to meet the setbacks requirements and that the design needed approval from the Board of Health.

**Motion made by Jackie Nowak to continue the meeting to April 12, 2023**

**Motion seconded by Ed Nowak**

**No further discussion**

- j. 7:00 PM Request for Determination of Applicability (RDA) 167 North Sturbridge Road - The applicant has submitted a Request for Determination of Applicability for removal and grading between 50ft- and 100ft to a resource area for the installation of a proposed garage.

Angela stated that the proposed garage was outside the 100ft Buffer Zone; but the tree removal, grading and clearing were within the Buffer Zone.

Jay Dubois stated that his client removed seven trees within the 50ft buffer. Angela went to the site and recommended issuing a Negative Determination with conditions including no stump removal.

**Motion made by Mitch Dunn to close the hearing and issue a negative determination with conditions 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 subject to conditions.**

**Motion seconded by Ron Royer**

**No further discussion**

## **5. Request for Certificate of Compliance**

45 Davidson Road – DEP No 128-1717

No Action

**6. Project Monitoring:**

LNG Dewatering

Angela updated the commission that the work had been completed.

**7. New/Old Business:**

Request for Certificate of Compliance - 167 North Sturbridge Road – DEP No. 128-1605

Angela recommended issuing a complete Certificate of Compliance

**Motion made by Ed Nowak to issue a Complete Certificate of Compliance**

**Motion seconded by Jackie Nowak**

**No further discussion**

Conservation Trust Fund

**Motion made by Mitch Dunn to withdraw the Conservation Trust Fund from the Town Warrant**

**Motion seconded by Ron Royer**

Jackie Nowak suggested having a meeting with the Board of Selectmen on April 11<sup>th</sup> and then discussing it again on April 12<sup>th</sup>. Arthur Bellerive requested continuing the discussion at the next meeting to allow time for further research.

After discussion, the commission voted:

Roll Call

**Arthur Bellerive – Nay**

**Jackie Nowak – Nay**

**Ed Nowak- Nay**

**Ron Royer – Yea**

**Mitch Dun – Yea**

**James Allen – Yea**

**Tom O'Malley – Yea**

**Motion made by Ed Nowak to adjourn at 8:04pm**

**Motion seconded by Ron Royer**

**No further discussion**

Submitted by:  
Rose Conway

Accepted by Conservation Commission:



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**Tom O'Malley**

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**Ron Royer**

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**Ed Nowak**



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**Mitch Dunn**



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**Jackie Nowak**

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**Arthur Bellerive**

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**James Allen**



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