

CHARLTON CONSERVATION COMMISSION

MINUTES

March 24, 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

Invoices:

Rose Conway presented a Stonebridge Press invoice for \$411.60.

Tom O'Malley requested a motion to pay the invoice. Robert Hartwig made a motion; James Allen seconded. 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 this project had been continued due to the lack of a DEP File Number. He stated that the File # had been issued and recommended 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.

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 peer review 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

Art Allen reviewed the application. Report attached.

He explained that he had reviewed the revised site plan dated 3/22/2021. The proposed 10-foot setback to the slope was minimal but would likely be approved by DEP, if it were to be appealed. He also noted that the Commission prefers to see a 25-foot wetland setback on undisturbed sites but in this instance, there appears to have been a series of miscommunications resulting in the site being developed without prior Conservation Commission approval. He recommended approving the plan unless the Commission felt strongly that additional setback was required.

James Allen asked why the applicant had not file with the Conservation Commission. Rose Conway explained that the applicant was unaware of the need/lack of filing and that her engineer had filed with the Building Department and the Board of Health.

After a brief discussion, Tom O'Malley requested a motion to close the hearing. Arthur Bellerive made a motion; Mitch Dunn seconded it. The motion passed.

North Sturbridge Rd – Lot 2 – Jeffrey Kaszowski

Notice of Intent for the construction of a single –family residence and associated site work within the 100-ft buffer zone of a BVW. A residential driveway was proposed to cross over a bordering vegetated wetland with proposed fill and replication area.

Art Allen stated that he had reviewed the application. Report attached.

He also stated that he had received and reviewed the revised site plan (dated 3/22/2021) along with the alternatives analysis and concept alternative plan. He explained that the engineer made a reasonable argument for allowing the driveway wetland crossing relative to the amount of buffer clearing and the proposed, bonus replication area. Art Allen explained to the commission that the project could be approved if they were satisfied with the alternative analysis. He requested the engineer to send all revised materials to DEP.

The commission did not have any comments. Tom O'Malley requested a motion to issue the Special Order of Conditions. Mitch Dunn made a motion to issue the Order; Arthur Bellerive seconded it. The motion was voted in unanimous favor.

32 Blood Rd – Matthew Bishop

Notice of Intent for the construction of a single-family home and associated site work the 100 ft buffer zone of a BVW and a driveway that is within the outer of a riparian zone of a perennial stream.

Art Allen stated that he had reviewed the application. The report attached.

The commission did not have any comments. He recommended continuing the hearing due to the lack of a DEP File #.

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.

11 Downey Lane – Allen Bercume

Notice of Intent for the construction of in ground pool

Art Allen stated that he had reviewed the application. Report attached. He requested a revised plan showing the temporary construction access location. Art recommended continuing the hearing until revisions were submitted and a DEP File No. was available.

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.

190-314 Southbridge Road – Boris Brevnov

Notice of Intent for the construction of a liquefied natural gas ("LNG") facility and appurtenant features; comprised of the LNG facility located north of Rte. 169 at 190- 340 Southbridge Road, a gas interconnection in the Rte. 169 ROW from the LNG site to the TGP gas transmission main, and a gas Rd meter station (the connection point for the interconnection to the TGP main) at 190 Southbridge

Dwight Dunk from Epsilon Environmental Consultant presented the project stating that the facility would provide liquefaction, storage, and truck-loading service to Commonwealth utilities. He also stated that the project was currently under review by the Massachusetts Energy Facilities Siting Board (EFSB) and MassDEP and was expected to be complete by winter 2022.

Dwight explained that the project involves three components: the LNG Facility at 340 Southbridge Road (Rte. 169), the gas line interconnection along the westerly shoulder of Rte. 169 and the gas meter station on the west side of Rte. 169 at 190 Southbridge Road. He presented the following information:

Wetland Identification and Delineation

Wetland resources on the LNG Site were previously reviewed and approved through the issuance of an ORAD (DEP File No. 128 –1726)

Additional wetlands were delineated along Rte. 169 and the Meter Station (primarily associated with Cady Brook and intermittent stream tributary thereto);

No work was located within Priority Habitat for State-Protected Rare Species or Estimated Habitat for Rare Wildlife mapped by the NHESP and no alteration of Land Under Water, Inland Bank or Bordering Vegetated Wetland. Work subject to review at the Facility site has been limited to River Front Area (264 s.f.) and the 100-foot Buffer Zone (92,286 s.f.) to BVW and Inland Bank.

Interconnection Route

5,400 feet long interconnection pipeline within Rte. 169 right-of-way

Pipeline construction results in no permanent impacts to resource areas or buffer zone

Trenchless crossings (horizontal directional drilling or similar) of Cady Brook are proposed to avoid resource area impacts (LUW, Inland and BLSF) and temporarily alter 46,350 s.f. of River Front Area and 67,210 s.f. of buffer zone

Meter Station

Proposed Meter Station will occupy approximately 10,000 square feet ("s.f.") of 190 Southbridge Road parcel. Comprised of 128 s.f. meter station building housing entrained gas management ("EGM") and gas chromatography ("CG") equipment, and a separate 240 s.f. meter skid. Permanent changes in RFA are limited to approximately 600 s.f. for site grading, 220 linear feet of security fencing, and 7 feet of block retaining wall

Meter Station Resource Area Impacts

Permanent alteration within the 200-foot RFA at the Meter Station site is limited to approximately 600 s.f.. Landscaping is limited to approximately 5,130 s.f.; No work is proposed within 100 feet of Cady Brook at Meter Station site; Work complies with the RFA performance standards

Project Summary Alternatives Analysis

Comprehensive Alternatives Analysis was presented in NOI Attachment G:

LNG Facility was determined to be cost effective solution to regional seasonal natural gas constraints; Central Massachusetts selected as most advantageous region; Rte169 selected as site with least environmental impacts.

Project Summary Avoidance and Mitigation Measures

The project was designed to avoid direct alteration of vegetated wetland and stream resource areas. The entire Project Design to minimize impacts, including the use of retaining walls, locating the stormwater detention basins outside the buffer zone, shifting the southern LNG facility driveway access to outside of the buffer zone, using HDD construction techniques to cross under Cady Brook, siting the Meter Station outside of resource areas to the maximum extent feasible, Construction-Period Measures, and Erosion and sedimentation control.

Art Allen explained that he had not yet reviewed the application and that a site walk date had been set up.

Tom O'Malley requested a motion to continue the hearing. Arthur Bellerive made a motion; Robert Hartwig seconded. 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

Rose Conway stated that the project was a continuation from the past meeting. She explained that a revised plan showing the limit of work had been submitted. She recommended issuing a Special Order of Conditions requesting environmental monitoring.

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

65 New Spencer Rd – Daniel Applin

Request for Determination of Applicability for the removal of five pine trees on the edge of the wetlands.

Rose Conway informed the commission that she visited the property with Arthur Bellerive. Arthur Bellerive recommended issuing a Negative Determination for the removal of the trees. Tom O'Malley requested a motion to issue a Negative Determination. Robert Hartwig made a motion; Ron Royer seconded it. The motion was voted in unanimous favor.

Lot 11, 12, and 13 Dresser Hill – Geldbaum LLC

Enforcement Order Update

Rose Conway stated that Glen Krevosky submitted a request to have the Enforcement Order lifted explaining that all lots were now in compliance. Report attached.

Tom O'Malley requested a motion to lift the Enforcement Order. Ron Royer made a motion; Arthur Bellerive seconded. The motion was voted in unanimous favor.

Tom O'Malley requested a motion to adjourn the meeting. James Allen made a motion; Robert Hartwig seconded it. Meeting adjourned at 7:41 pm



EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street

Worcester, MA 01605-2629

508-752-9666 / Fax: 508-752-9494

MEMORANDUM

Date: March 20, 2021

To: Charlton Conservation Commission

From: Arthur Allen, CPSS, CWS, CESSWI

Re: Site Inspection – 26 Eleanor Lane, Charlton, MA (DEP #128-1807)

Via E-Mail

page 1 of 3

Per the Commission's request, I visited the site on March 18, 2021. I also reviewed the Notice of Intent and plans (filed after-the-fact) for construction of a single-family house. Below you will find a list of documents I reviewed along with my comments on the proposed project. My findings and recommendations are in *italics*.

Documents Reviewed:

- DEP File Number Page;
- eDEP Notice of Intent (submitted February 10, 2021);
- Bertin Engineering Subsurface Disposal Plan (dated 5/2/2011);
- DC Engineering Existing Plan of Land (dated 3/15/2021).

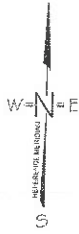
Findings & Recommendations:

The DEP file number page had no comments;

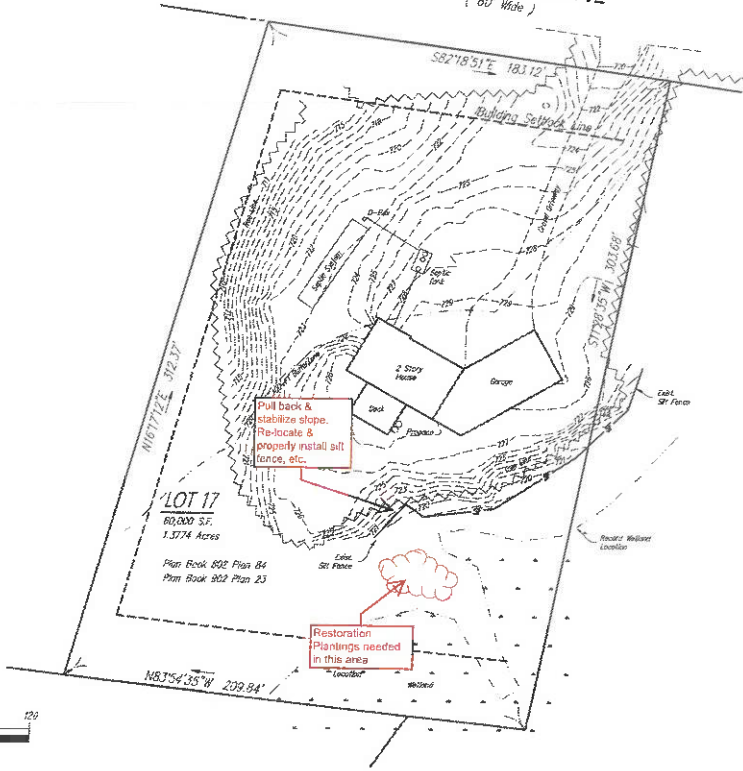
The lot has been cleared, filled and rough-graded and the house and garage have been constructed. The existing limit of fill and silt fence location is significantly closer to the wetland than was depicted on the Bertin Engineering plan. As depicted in the attached photos, the silt fence is at the edge of the wetland and is improperly installed. The adjacent fill slope and associated sediment extends to within approximately 10 feet of the wetland. There was also clearing of saplings well beyond the original limit of work, in the approximate area depicted on the attached sketch. *The following steps are recommended to attain compliance:*

1. *The existing fill slope should be pulled back, cleaned-up and stabilized as soon as possible to provide as much setback from the wetland as is reasonably possible.*
2. *The silt fence control barrier should be re-set, properly installed and re-inforced immediately after relocation of the fill slope.*
3. *The area where saplings were recently cut and removed should be restored by planting three (3), 3-4 foot tall, White Pine saplings (containerized or balled & burlapped).*
4. *The fill slope and siltation barrier work should be done within seven (7) days of receipt of this notice and the restoration planting should be done in the Spring of 2021. Provide confirmation of this work, upon completion of each item, to the Conservation Commission.*

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



ELEANOR LANE (60' Wide)



PLAN REFERENCES
PB 302 PL 84

ZONING REGULATIONS
ZONE - AGRICULTURAL
AREA - 40,000 S.F.
FRONTAGE - 175 FT.
FRONT - 50 FT.
SIDE - 15 FT.
REAR - 30 FT.

PLAN NOTES
BASED ON ORIENTATION PROVIDED, REQUIRED MEASUREMENTS FROM REAR OF THE BUILDING IS DELINEATED ON THIS PLAN.

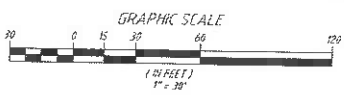
IN MY JUDGMENT, ALL VISIBLE EASEMENTS ARE SHOWN. THERE ARE NO VIOLATIONS OF ZONING REGULATIONS'S REQUIREMENTS STRUCTURE TO PROPERTY LINE EFFECTS UNLESS NOTED AND SHOWN.

THE BUILDING IS SHOWN HEREON BY GEOGRAPHICAL PLOTTING ONLY DO NOT LIE WITHIN THE SPECIAL FLOOD HAZARD AREA AS SHOWN ON FEMA MAP, SUBJECT DATED, 7-1-2011

THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY.

THIS PLAN IS FOR STRUCTURE LOCATION ONLY.

THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TELE REPORT AND IS SUBJECT TO ANY AND ALL RIGHTS AND ENCUMBRANCES THAT SUCH A REPORT MAY DISCLOSE.



SYMBOL KEY

ROUND	○	IRON ROD FOUND	RF
IRON PIPE	○	IRON PIP FOUND	RF
IRON ROD W/ CAP	○	ROUND FOUND	RNDF
DRILL HOLE	●	PAV. ROAD SPARE	RSPK
DRAIN MANHOLE	⊙	DRILL HOLE FOUND	DHF
CATCH BASIN	⊙	FOUND	FND
WETLAND FLAG	⊙	BIUMINOUS	BE
UTILITY POLE	⊙	CONCRETE	CKNC
DUY WIRE	X	BOLLARD	BOL
ELECTRIC MANHOLE	⊙	UTILITY POLE	UP
FIRE HYDRANT	⊙	CUT WIRE	OUT
WATER GATE	⊙		

NO.	DATE	REVISION	BY

JASON D. DUROIS, P.E.
PROFESSIONAL ENGINEER
MILLS, N.H. 03033

JEREMY S. CROTEAU, P.L.S.
PROFESSIONAL LAND SURVEYOR
LIC. NO. 44731



EXISTING PLAN OF LAND

SITE ADDRESS:
Eleanor Lane
Charlton, MA 01507

CLIENT:
Stephen Lemaire
Eleanor Lane
Charlton, MA 01507

DRAWN BY:	JSC
CK'D BY:	JDD
DATE:	3-15-21
SCALE:	1"=30'
PROJECT #:	20-206
DWG. NO.:	EA



800-789-8888
800-547-8127

ECOTEC MONITORING PHOTOS FROM 26 ELEANOR LN., CHARLTON (3/18/2021)



1. Buffer fill slope behind garage



2. Improperly installed silt fence at edge of wetland



3. Silt fence, fill slope and wetland looking back towards garage



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MEMORANDUM

Date: March 20, 2021

To: Charlton Conservation Commission

From: Arthur Allen, CPSS, CWS, CESSWI

Re: Site Inspection – Lot 2 North Sturbridge Road, Charlton, MA (DEP #128-1811)

Via E-Mail

page 1 of 2

Per the Commission's request, I visited the site on March 18, 2021. I was accompanied by Rose Conway. I also reviewed the Notice of Intent and plans for construction of a single-family house with a driveway crossing the wetland. Below you will find a list of documents I reviewed along with my comments on the proposed project. My findings and recommendations are in *italics*.

Documents Reviewed:

- DEP File Number Page;
- Notice of Intent and associated documents (NOI signed on February 22, 2021);
- DC Engineering "Conservation Commission Plan" (dated 1/18/2021).

Findings & Recommendations:

The DEP file number page had fairly extensive comments pertaining to wetland alteration avoidance, Limited Project status and additional siltation control barriers;

The project proposes a relatively small wetland crossing that is situated at the narrowest point in the wetland. *This being said, I concur with DEP's comments pertaining to examination of alternative lot configurations and driveway locations that could avoid wetland impacts. It appears that the adjacent, developed lot to the northeast (#309 North Sturbridge Road) is under common ownership and was developed in or around 1993 which is well after the Wetlands Protection Act and Regulations came into effect. The current lot configuration appears to be driving the need to fill wetlands. This is know as a "created hardship". Wetland fill could be avoided by locating the driveway at #309. Alternatives to wetland fill must be evaluated including re-configuring the lots, providing a driveway easement over #309, etc.*

If the wetland crossing were to be permitted, I would recommend a revision to add two, additional, equidistantly spaced culverts under the driveway. Whereas there is no defined stream present in the driveway location, there is evidence of shallow sheet flow and seasonal ponding across the wetland. These hydrologic patterns would be better preserved through the use of three culverts spaced out along the length of the driveway.

A sequence of Preparation, Excavation & Grading was included in the Notice of Intent. This sequence does not address the fact that the wetland may need to be crossed prior to creation of the replication area. It also does not discuss de-watering that may be necessary to construct the wetland crossing. *Additional detail is required and should be referenced on the project plan.*

I concur with DEP that there appears to be no siltation control barrier proposed on the north side of the driveway, at the wetland crossing.

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

AA/Monitoring/Charlton Lot 2 N Sturbridge EcoTec Review Memo 3.20.2021



EcoTec, Inc.

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Worcester, MA 01605-2629
508-752-9666 / Fax: 508-752-9494

MEMORANDUM

Date: March 20, 2021
To: Charlton Conservation Commission
From: Arthur Allen, CPSS, CWS, CESSWI
Re: Site Inspection – 32 Blood Road, Charlton, MA (DEP #128-??)

Via E-Mail

page 1 of 1

Per the Commission's request, I visited the site on March 18, 2021. I was accompanied by Rose Conway. I also reviewed the Notice of Intent and plans for construction of a single-family home and associated infrastructure. Below you will find a list of documents I reviewed along with my comments on the proposed project. My findings and recommendations are in *italics*.

Documents Reviewed:

- DEP File Number Page;
- Notice of Intent and associated documents (NOI signed on March 2, 2021);
- DC Engineering "Septic System Plan" (dated 3/2/2021).

Findings & Recommendations:

The DEP file number page lists the project but does not provide a file number. *As the Commission is aware, a file number is required in order to issue an Order of Conditions;*

The project falls within the Riverfront Area and within the Buffer Zone to Bordering Vegetated Wetland. I am in agreement with the delineation and depiction of the wetland resource areas. The project has been designed to avoid the Inner Riparian Zone (0-100 foot Riverfront Area) and to minimize work within the Outer Riparian Zone (100-200 foot Riverfront Area). The bulk of the proposed work within Riverfront Area is associated with the access driveway. Access through the Riverfront Area is allowed and proposed Riverfront Area disturbance constitutes 12% of the total Riverfront Area on the site. While this exceeds the 10% regulatory threshold, it is permissible as "limited project access" at 310 CMR 10.53(3)(e). This being said, the Notice of Intent did not include a reference to Limited Project and no alternatives analysis was included with the Notice of Intent. *In my opinion, this project should be permitted, as designed, but DEP may require adherence to the regulations through submission of a Riverfront Area alternatives analysis and a request for Limited Project status.*

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



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

MEMORANDUM

Date: March 20, 2021

To: Charlton Conservation Commission

From: Arthur Allen, CPSS, CWS, CESSWI

Re: Site Inspection – 11 Downey Lane, Charlton, MA (DEP #128-??)

Via E-Mail

page 1 of 1

Per the Commission's request, I visited the site on March 18, 2021. I also reviewed the Notice of Intent and plans for installation of an in-ground swimming pool. Below you will find a list of documents I reviewed along with my comments on the proposed project. My findings and recommendations are in *italics*.

Documents Reviewed:

- DEP File Number Page;
- eDEP Notice of Intent and associated documents (NOI submitted on March 1, 2021);
- Jalbert Engineering "Proposed Site Plan" (dated 11/12/2020).

Findings & Recommendations:

The DEP file number page had no listing for this project. *As the Commission is aware, a file number is required in order to issue an Order of Conditions;*

The copy of the site plan I received did not depict a siltation control barrier/work limit. I received a subsequent copy, from the engineer, and the subsequent copy (same creation date) properly depicted the barrier.

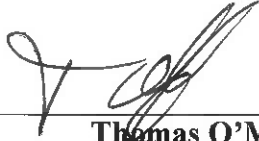
It was not clear, from the plan, how the pool work area would be accessed by construction equipment. In conversation with the property owner, I was made aware that construction access would be over a temporary pathway located along the south side of the property. *This pathway should be approximately shown on the site plan in order to ensure that no additional buffer impacts occur due to access and to ensure that the existing leach field is avoided by the temporary access path.*

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

AA/Monitoring/Charlton 11 Downey EcoTec Review Memo 3.20.2021

Submitted by:
Rose Conway

Accepted by Conservation Commission:



Thomas O'Malley

Arthur Bellerive

Robert Hartwig

Mitch Dunn

Edward Nowak

Ron Royer

James Allen