



TOWN OF CHARLTON CONSERVATION COMMISSION

Meeting Minutes

Wednesday, April 12, 2023

LOCATION: VIRTUAL VIA ZOOM & In Person

Members Present: Tom O'Malley
Mitch Dunn
Ron Royer
Jackie Nowak
Allan Leone

Members Absent: Arthur Bellerive, Ed Nowak, James Allen

Also Present: Angela Panaccione

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

2. **Mail/Correspondence**

Angela informed the commission that she would be starting to work on the Open Space Plan and would need a member of the commission as a member.

3. **Public Inquiry**

Glen Echo Drawdown

Jackie Nowak recused herself.

Kevin Chambers, resident of 171 Sunset Drive addressed the commission. He had concerns about the five feet drawdown. Mr. Chambers believed that the drawdown passed the five feet mark. He introduced pictures that he believed proved the water level went below 5 feet. He also stated that Robert Lemansky shared with him that he believed the water level was at approximately 6ft. He believed the drawdown was mismanaged causing the death of hundreds of mussels. He also stated that he was told by Mr. Lemansky that the dam monitor left the gate open and went on vacation.

Angela asked Mr. Chambers why the issue was not brought to her attention earlier.

Mr. Chambers stated that he had been to the office and showed the pictures to Rose Conway. He also stated that that Frank Zappulla, resident of the lake, could have called to notify regarding the wildlife. In addition, Mr. Chambers also asked the commission to observe the lack of weeds in the pictures.

Tom O'Malley suggested having someone else take control of the drawdown.

Angela recommended approaching the new DPW director regarding the drawdown.

Andrew McMahon addressed the commission. He explained that he measured the water level from the dam as ordered and that he had provided pictures to the commission in the past showing the measuring process. In addition, Andrew didn't believe the water level went down to 8ft as claimed by Mr. Chambers.

Frank Zappulla addressed the commission. He explained that he observed dead clams; however, he believed they were remains from previous years since they were open shells and meat gone.

After discussion, Tom O'Malley suggested having an independent party performing the drawdown. The discussion will be continued.

4. Schedule of Public Hearings

- a. 7:00 PM Notice of Intent (NOI) DEP# – 128-1894 – 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.

Scott Morrison from Ecotec presented the project. He explained that his client had proposed the construction of a single-family home.

Angela asked Scott to provide the revised information.

Scott stated that the only change was the Stormceptor. The driveway was reconfigured to discharge into the Stormceptor.

Angela asked if he had updated the final Riverside Number. Scott answered yes.

Angela asked how far down the pressure line would go. Scott answered it would be four feet below the frost line. Angela expressed concerns about the possibility of ledge. Scott didn't believe it would be an issue without going under five feet down.

Steven Bressette from Tauper Land Surveying stated that he had not performed test holes on that specific lot, but he performed them on a close by lot in which he did not encounter ledge.

Angela had concerns regarding the separation of groundwater with the infiltration system.

Steven Bressette explained that according to the detail sheet, it showed that the water table at about four feet showing at least four feet separation.

Angela also had concerns with the amount of excavation. She asked where the dirt would be stored.

Steven Bressette explained that he did not believe there would be an excessive amount of excavation; and if they there were, excess dirt would be taken out of the site. Steven could not provide a known location.

Angela asked who would be responsible for the maintenance of the stormwater structures.

Steven Bressette stated that the owners would be responsible.

Angela stated that she would add the Operation Management Plan to the Special Order of Conditions and the plan would also be recorded against the deed.

Motion made by Mitch Dunn to close the hearing

Motion seconded by Jackie Nowak

No further discussion

- b. 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 recommended continuing the meeting to April 26 at 7pm.

Motion made by Jackie Nowak to continue the meeting to April 26, 2023

Motion seconded by Mitch Dunn

No further discussion

- c. 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

Angela recommended continuing the meeting to April 26 at 7pm.

Motion made by Ron Royer to continue the meeting to April 26, 2023

Motion seconded by Mitch Dunn

No further discussion

- d. 7:00 PM Notice of Intent (NOI) DEP# 128-1892 – 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

Peter Engle from McClure Engineering addressed the commission. He stated that the only pending subject for the project was related to the Board of Health, which he believed had been addressed.

Angela stated that she had received the approved plan and the deed restriction from the BOH. She explained that she still had concerns regarding the Resource Area Mitigation Plan. She noted that the plan did not provide emergency mitigation in case of a runoff. After discussion, all parties agreed adding the following to the Special Order of Conditions: mandatory inspections after rainfall events exceeding half inches, driveway to have a base coat prior to the construction of the house, use of washed stones and submitting proof of receipt to the ConCom as well as notifying the Environmental Consultant and the Conservation Commission immediately in the event of a runoff.

Motion made by Mitch Dunn to close the hearing

Motion seconded by Ron Royer

No further discussion

- e. 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

Angela informed the commission that the Board of Health had not approved the plans and that DEP had requested the applicant to demonstrate that no alternative analysis was feasible to meet the setbacks requirements. She recommended continuing the hearing to April 26 at 7pm

Motion made by Mitch Dunn to continue the meeting to April 26, 2023

Motion seconded by Jackie Nowak

No further discussion

- f. 7:00 PM Notice of Intent (NOI) DEP# 128-1893 – 40 Glen Echo Shore Road: The applicant has submitted a Notice of Intent for the construction of patios, retaining walls and new paved parking area within 100ft of Glen Echo Lake

Zac Couture from H. S. & T. Group, Inc presented the project. He distributed the revised plans to the commission in response to the DEP comments. Zac stated that the applicant was replacing the existing wall and installing patios and additional retaining walls. DEP Comments were related to disturbance within the Flood Plan. He explained that there would not be any further disturbance within the Flood Plan.

Angela asked if the applicant was utilizing the same materials. Zac answered no.

Angela explained that she needed additional information and that the work could not start until the next drawdown. She also requested the plan to be revised with the correct 100ft and 50ft Buffer zone, including the paving of the driveway, linear feet of the banking and a narrative stating that the current bank was concrete and did not provide wildlife habitat, therefore a Wildlife Habitat analysis would not be required.

Motion made by Jackie Nowak to continue the meeting to April 26, 2023

Motion seconded by Ron Royer

No further discussion

- g. 7:00 PM Notice of Intent (NOI) DEP# 128-1896 – Baker Pond – Town of Dudley: The applicant has submitted a Notice of Intent for the initiation of an aquatic management program for invasive species and drawdown as applicable

James Lacasse and Joe Onorato from Water and Wetland presented the project explaining that the NOI was to manage the invasive weed species in the Lake.

Joe Onorato added that the management was done based on survey data. He also explained that the drawdown would not be deeper than three feet.

Ziggy W. stated that it was important to communicate with both lakes during the drawdown.

After discussion, Angela recommended continuing the meeting so she could coordinate with Dudley regarding the Special Order of Conditions

Motion made by Mitch Dunn to continuing the hearing to April 26, 2023

Motion seconded by Jackie Nowak

No further discussion

- h. 7:00 PM Notice of Intent (NOI) DEP# 128-1897 – PierPoint Meadow Pond – Town of Charlton: The applicant has submitted a Notice of Intent for the initiation of an aquatic management program for invasive species and drawdown as applicable

Joe Onorato stated that there was no drawdown for PierPoint Pond.

James Lacasse explained that the focus of the treatment was invasive weed species.

After discussion, Angela recommended continuing the meeting so she could coordinate with Dudley regarding the Special Order of Conditions.

Motion made by Jackie Nowak to continue the hearing to April 26, 2023

Motion seconded by Mitch Dunn

No further discussion

- i. 7:00 PM Notice of Intent (NOI) DEP# 128-1895 – South Charlton Reservoir – Town of Charlton: The applicant has submitted a Notice of Intent for the initiation of an aquatic management program for invasive species and drawdown as applicable

James Lacasse explained that Milfoil was the major issue on South Charlton Reservoir. He stated that the treatment used in the past was successful.

Angela recommended performing the drawdown yearly versus every two years. After discussion, Angela stated that she would add the drawdown information in the Special Order of Conditions.

Adrienne Smyth addressed the commission regarding information on the NOI and questions regarding the ownership of the lake. Both the commission and Joe Onorato addressed the questions.

Motion made by Jackie Nowak to continue the hearing to April 26, 2023

Motion seconded by Mitch Dunn

No further discussion

- j. 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 recommended continuing the hearing to April 26, 2023 at 7pm

Motion made by Mitch Dunn to continue the meeting to April 26, 2023 at 7pm

Motion seconded by Jackie Nowak

No further discussion

- k. 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 recommended continuing the hearing to April 26, 2023 at 7pm.

Motion made by Jackie Nowak to continue the meeting to April 26, 2023

Motion seconded by Mitch Dunn

No further discussion

7:00 PM Request for Determination of Applicability – 0 Northside Road - The applicant has submitted a Request for Determination of Applicability for the construction of a single-family home with well, septic and driveway.

Brian Waterman from WDA Design Group presented the project. Brian explained that the commission approved the Order of Conditions in 2015. Under that Order, the applicant installed the gravel drive up to the site and clearing. The applicant chose to stop the construction and the Order expired. He stated that he requested a Certificate of compliance to close the expired Order of Conditions and filed for a Determination of Applicability to continue the work. The remaining work was the construction of a new single-family home with a detached garage within 85ft from the wetlands.

Angela recommended issuing a Negative Determination.

Motion made by Mitch Dunn to 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 Jackie Nowak

No further discussion

5. Request for Certificate of Compliance

- 45 Davidson Road – DEP No 128-1717

No Action

- PierPoint Meadow Pond – DEP No. 128-0917

Motion made by Mitch Dunn to issue a Complete Certificate of Compliance

Motion seconded by Jackie Nowak

No further discussion

- South Charlton Reservoir – DEP No. 128-1064

Motion made by Mitch Dunn to issue a Complete Certificate of Compliance

Motion seconded by Jackie Nowak

No further discussion

- Baker Pond – DEP No. 128-558

Motion made by Mitch Dunn to issue a Complete Certificate of Compliance

Motion seconded by Jackie Nowak

No further discussion

- 0 Northside Road – DEP No. 128-1199

Motion made by Jackie Nowak to issue an Invalid Certificate of Compliance

Motion seconded by Alan Leone

No further discussion

- Lot 4C – Northside Road – DEP No. 128-1221

Motion made by Mitch Dunn to issue an Invalid Certificate of Compliance

Motion seconded by Jackie Nowak

No further discussion

Lot 5-B – Northside Road – DEP No. 128-1222

Motion made by Jackie Nowak to issue an Invalid Certificate of Compliance

Motion seconded by Mitch Dunn

No further discussion

- Lot 1 Major Hill Road – DEP No. 128-1244 (Lot 3 Hill Road)

Motion made by Mitch Dunn to issue an Invalid Certificate of Compliance

Motion seconded by Jackie Nowak

No further discussion

- Lot 3 Major Hill Road – DEP No. 128-1246 (72 Hill Road)

Motion made by Mitch Dunn to issue an Invalid Certificate of Compliance

Motion seconded by Jackie Nowak

No further discussion

7. New/Old Business:

Minor Amendment of Order of Conditions DEP No. 128-1836 – Amazon

Paul Martin addressed the commission; he explained that when the application for the Amazon warehouse was filled, the intent was for permanent electric power to enter the site off Route 20. However, National Grid determined that it would not work and explained that the power had to come from the substation off Route 169.

After discussion, Angela recommended accepting the minor amendment according to the revised plan.

Motion made by Mitch Dunn to accept the minor amendment according to the revised plan.

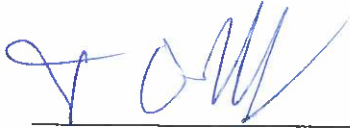
Motion seconded by Jackie Nowak

No further discussion

Motion to Adjourn at 9:15pm
Motion made by Mitch Dunn
Seconded by Jackie Nowak

Submitted by:
Rose Conway

Accepted by Conservation Commission:



Tom O'Malley



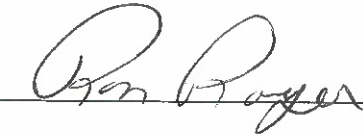
Jackie Nowak



Allan Leone



Mitch Dunn



Ron Royer