



TOWN OF CHARLTON CONSERVATION COMMISSION

Meeting Minutes

Wednesday, April 13, 2022

LOCATION: VIRTUAL VIA ZOOM

Members Present: Tom O'Malley
Robert Hartwig
Ed Nowak
Ron Royer
Mitch Dunn
Arthur Bellerive
James Allen

Members Absent: None

Also Present: Angela Panaccione, Conservation Director, and Rose Conway

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

2. **Public Inquiries:**

Angela stated that she had received a complaint from an abutter regarding the dewatering at Amazon. The abutter explained that it was affecting his property. Tom O'Malley asked if the dewatering was permanent. Angela explained the dewatering was a construction temporary measure. Tom asked Angela to monitor it. Angela agreed.

3. **Approval of Minutes**

Motion made by Arthur Bellerive to approve the minutes from March 9 and March 23.

Motion seconded by Ed Nowak

No further discussion

4. **Schedule of Public Hearings**

- a. 7:00 PM 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.

Angela informed the commission that the engineer had requested to continue the hearing to May 11.

Motion made by Ed Nowak to continue the hearing to May 11, 2022 at 7pm

Motion seconded by Mitch Dunn

No further discussion

- b. 7:00 PM Abbreviated Notice of Resource Area Delineation – 28 Curtis Hill Road & New Spencer Road – Clea Blair – The applicant has submitted an Abbreviated Notice of Resource Area Delineation to confirm the wetland line.

Angela Panaccione informed the commission that there were few discrepancies within the application. The applicant requested continuing the hearing to 4/27.

Motion made by Ed Nowak to continue the hearing to April 27, 2022 at 7pm

Motion seconded by Mitch Dunn

No further discussion

- c. 7:00 PM Notice of Intent (NOI) DEP# 128-1856 - MaryJane Regis – 70 Glen Echo Shore Road - The applicant has submitted a Notice of Intent for a retaining wall repair.

Angela Panaccione informed the commission that the applicant filed an after-the-fact Notice of Intent. The applicant had started the repair of her retaining wall without a permit and had not finalized the repair in time for the lake refill. Angela requested closing and issuing the order.

Motion made by Arthur Bellerive to close the hearing and issue the Order of Conditions.

Motion seconded by Mitch Dunn

No further discussion

- d. 7:00 PM Notice of Intent (NOI) DEP# 128-1857 – 360 Stafford Rd – Kenneth Pecore – The applicant has submitted a Notice of Intent for the construction of a septic system and barn, paving and existing driveway, and associated grading and utilities site work within the Buffer zone to BVW

Kate O'Donnell from Ecotec presented the project on behalf of Ken and Nancy Pecore. She explained that the property contained a previously constructed driveway with an existing wetland crossing. The driveway was proposed to be minorly graded and paved to access the single-family house that the applicant has proposed to construct outside of the 100-foot buffer zone. Kate also stated that a barn and a septic system which were both located inside the 100-foot buffer zone but outside of the 50-foot buffer and straw water and silt fence were proposed at the limit of work.

Angela asked if she had the original Order of Conditions or information regarding the replication area. Kate stated that she was not aware of the previous order.

Mitch asked if it was a concern. Angela explained that the applicant cannot have two open orders and the commission needed to make sure that the replication area was successful.

Rose explained that the applicant would need to file for a Request for a Certificate of Compliance and have it recorded at the Registry of Deeds to close the Order.

Mitch stated that they didn't know. Rose explained that they were aware and that the plans showed that it had been submitted to the commission in 2003.

Nancy Pecore stated that she was not successful in locating the plans showing the wetland crossing.

Angela requested EcoTec to re stake the area where the culvert was located. Scott agreed to flag the area and file for the Certificate of Compliance.

Angela recommended continuing the hearing to April 27th.

Motion made by Ron Royer to continue the hearing to April 27, 2022 at 7pm

Motion seconded by James Allen

No further discussion

- e. 7:00 PM Notice of Intent (NOI) DEP# 128-1858 – Muggett Hill Road – Highway Department – The applicant has submitted a Notice of Intent for the replacement of the existing culverts, grading, paving, and associated site work

Scott Morrison from EcoTec presented the project. He stated that the Highway Department was proposing to remove the existing two culvert pipes and replace them with two 40-inch concrete reinforced pipes with flared end sections. Scott explained that the reason for in-kind replacement was due to utilities in the area and additional flow downstream. His goal was to maintain the existing conditions.

Tom O'Malley asked to continue the meeting due to the lack of a DEP Number.

Motion made by Robert Hartwig to continue the hearing to April 27, 2022 at 7pm

Motion seconded by James Allen

No further discussion

- f. 7:00 PM Notice of Intent (NOI) DEP# 128-1860 – 79 Old Worcester Rd – ExxonMobil – The applicant has submitted a Notice of Intent for the installation of a water line.

Moira Johnson presented the project. She shared her screen and explained that the water line was already on the road. She was proposing to install a 1-inch water service line five feet below grade. Moira explained that the line would go westerly, under the perennial stream and would connect to the northern side of the house. She evaluated the possibility of eliminating the stream crossing, but it was not feasible. So as part of the work the stream would be diverted for about a day with a hand pump. Screens would be utilized to make sure that the sediment was taken out in addition to erosion controls.

Tom O'Malley recommended continuing the meeting due to the lack of DEP Number.

Motion made by Robert Hartwig to continue the hearing to April 27, 2022 at 7pm

Motion seconded by James Allen

No further discussion

- g. 7:00 PM Request for Determination of Applicability – 2 Willis Drive – Joe Cloutier – The applicant has submitted an RDA for the removal of an existing retaining wall and replacement with 6' concrete block and associated site grading.

Joe Cloutier presented the project. He stated that his retaining wall was falling apart and would like to replace it.

Angela recommended issuing a negative Determination 1&4.

Motion made by Robert Hartwig to issue a Negative Determination that the project was not in an area subject to protection.

Motion seconded by Mitch Dunn

No further discussion

- h. 7:00 PM Request for Determination of Applicability – 46 Prindle Hill Road – Michelle Chalmers. The applicant has submitted an RDA for the removal of one tree and underbrush as well as grading within 100 ft buffer zone of Prindle Lake. The applicant is also proposing the installation of steps outside the buffer.

Michelle Chalmers presented the project. She explained that she would like to clean up debris, underbrush and remove a tree in her backyard. She also would like to build a patio within the 30ft from the lake as well as filling in the area.

Angela recommended issuing a negative determination with conditions and contingent to additional information regarding the patio.

Motion made by Ron Royer to issue a Negative Determination with conditions contingent to details regarding the patio.

Motion seconded by Mitch Dunn

No further discussion

- i. 7:00 PM Request for Determination of Applicability – 9 City Depot Road – Randy Lebeau – The applicant has submitted an RDA for the removal of up to 50 trees within 100ft of BVW

Angela explained the commission that the applicant was proposing to remove 50 trees. However, the work was in Riverfront Area and Flood Plain. A NOI would be required. She recommended issuing a positive determination.

Motion made by Ed Nowak to issue a Positive Determination.

Motion seconded by Mitch Dunn

No further discussion

- j. 7:00 PM Request for Determination of Applicability – 50 Freeman Road – Vivian Dickinson –The applicant has submitted an RDA for the removal of three trees within 15 feet of a BVW

Rose Conway stated that the applicant started the work without a permit. Trees were being removed within 30ft of the wetlands. She recommended a negative determination so the remaining three trees could be removed.

Motion made by Arthur Bellerive to issue a Negative Determination.

Motion seconded by Mitch Dunn

No further discussion

- k. 7:00 PM Request for Determination of Applicability – 4 Potter Village Cross Road – PRC Construction Company –The applicant has submitted an RDA for the replacement of an existing septic system.

Raouf Mankaryous presented the project. He stated that the project consisted of the replacement of a failed septic system in an existing single-family home. The septic system was located outside the 100ft buffer; however, the tank and part of the pump would be located within the 100ft. He stated that no work was proposed within the 50ft.

Angela recommended issuing a negative determination.

Motion made by Robert Hartwig to issue a Negative Determination.

Motion seconded by Ed Nowak

No further discussion

5. Certificate of Compliance:

Lot 17-1 J Davis Road – CIL Realty of MA, Inc

Angela informed the commission that she was still waiting for additional info.

6. Project Monitoring:

Angela informed the commission that she was still monitoring LNG, Amazon, City Depot, 64 Sturbridge Road

7. Violations & Enforcement:

City Depot Road Update

Angela stated that she had received the report from Ecotec. She was monitoring and waiting for the applicant to finalize the removal of sediments.

LNG

Angela presented a letter from LNG requesting to have the EO to be lifted as they believe they were not responsible for the violation.

Angela referred to the Order of Conditions 7&8

Applicant's Responsibilities

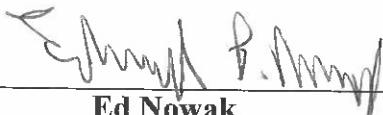
7. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements.

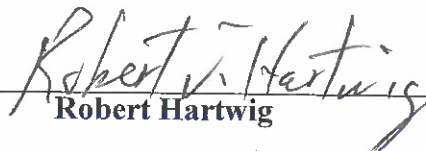
8. The applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.

Angela also explained the RPM was part of the site plan submitted by LNG.

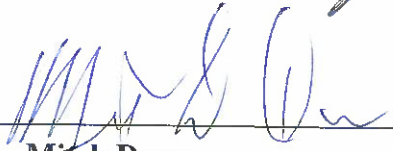
Submitted by:
Rose Conway

Accepted by Conservation Commission:


Ed Nowak



Robert Hartwig


Ron Royer


Mitch Dunn


Arthur Bellerive

James Allen


Tom O'Malley