

CHARLTON CONSERVATION COMMISSION

MINUTES

May 19, 2021

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

- II. Scheduled Appointments:

Approval of Payables

North East Office Solution - \$685.00

Arthur Bellerive requested a motion to pay the invoice. Robert Hartwig made a motion to approve the payment of \$685.00 to North Office Solutions. Mitch Dunn seconded it. The motion was voted in unanimous favor.

Southbridge News - \$411.60

Arthur Bellerive requested a motion to pay the invoice. Mitch Dunn made a motion to approve the payment of \$411.60 to Southbridge News. Ed Nowak seconded it. The motion was voted in unanimous favor.

Daniel Stevens – Porta Potty \$1,560.00

Arthur Bellerive requested a motion to pay the invoice. Robert Hartwig made a motion to approve the payment of \$1,560.00 to Daniel Stevens. Mitch Dunn seconded it. The motion was voted in unanimous favor.

Angela Panaccione asked the commission if they would prefer to authorize the agent to approve the invoices. Robert Hartwig made a motion to authorize Angela to sign off on payables. Mitch Dunn seconded the motion. It was voted in unanimous favor.

7:00

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 Associates introduced himself and explained he was requesting a continuance while waiting for the revised comments from Graves Engineering. He stated that Rose Conway and Angela Panaccione had requested him to join the meeting to address the culvert that Art Allen identified on 190 Southbridge Road. He shared the plans and showed the sheet related to the culvert in relation to the meter station. He explained that the only reason the site is subject to the Protection Act was because of the riverfront area. The culvert has not influence on the meter station site.

Angela stated that if the culvert would not be needed, she would recommend removing it and re storing the land.

David Rand, the owner of the parcel located at 190 Southbridge Road stated that he was in agreement with the recommendation, but would like to point it out that there would not be access to the rear of the land if the culvert were to be removed. He would like to make sure that the gas company would not need it.

Dwight Dunk would like to confirm the need of the culvert with the designers/ engineers and requested to contact Rose on the following day.

Angela Panaccione stated that he would not need engineering design or an NOI. He could do the work under the Enforcement Order.

The parties involved agreed to continue the conversation at later time to discuss details and guide David Rand towards a feasible approach.

Arthur Bellerive requested a motion to continue the hearing. Mitch Dunn made a motion to continue the hearing on June 2 at 7pm. James Allen seconded the motion. It was voted 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 applicant had requested a continuance for the hearing.

Arthur Bellerive requested a motion to continue the hearing to June 2 at 7pm. Arthur Bellerive made a motion to continue the hearing; Robert Hartwig seconded it. The motion was voted in unanimous favor.

Hill Rd and O Hill Road – Steven Goodman

Notice of Intent to improve portions of Hill Rd to allow for construction vehicle access to O Hill Rd. O Hill Rd will be used for a construction laydown and soil-stockpiling site for the warehouse project site at 241 Sturbridge Rd.

Rose Conway informed the commission that the applicant had requested a continuance for the hearing.

Arthur Bellerive requested a motion to continue the hearing to June 2 at 7pm. James Allen made a motion to continue the hearing; Robert Hartwig seconded it. The motion was voted in unanimous favor.

53 Southbridge Rd – Kaszowski Family Realty Trust

Abbreviated Notice of Resource Area Delineation to request confirmation of the field delineation of Bordering Vegetated Wetlands, Inland Bank, and Land Under Waterbodies and Waterways and the mapping of Riverfront Area.

Paul Martin from BSC Group requested portion of the project to be continued to June 2 at 7pm. He addressed the Enforcement Order issued on May 4th. He explained that test pit work had been allowed outside the resource area, but due to a miss wetland delineation, some of the work was conducted in the wetlands. The Enforcement Order required the work to be stopped and the submission of a restoration plan. The restoration plan will include seeding with wetland seed mix and mulching to help prevent erosion. The buffer zone impact between the two wetland areas were proposing to seed and mulch with upland seed mix.

James Allen asked if Angela had visited the site. She stated she had not; however, she had revised the restoration plan and discussed the project with Art Allen. She was in agreement with the Restoration Plan.

James Allen asked if the hearing should be continued.

She stated that The ANRAD public hearing should be continued but recommended the commission to make a motion to accept the restoration plan as proposed and authorize the restoration work to proceed under the Enforcement Order.

Paul Martin asked if the Stop Work Order could be lifted after the restoration plan so the test pit could continue.

Angela requested him to contact her after the seeding/mulching and prior to continuing the boarding tests.

Paul Martin agreed and proposed to provide a plan highlighting the area for exploratory bordering.

Arthur Bellerive requested a motion to approve the restoration plan and authorize boarding to proceed.

Mitch Dunn made a motion to approve the restoration plan and authorize the boarding work to proceed. Robert Hartwig second it. The motion was voted in unanimous favor.

Second motion to continue the hearing to June 2 at 7pm. Ron Royer made a motion to continue the hearing on June 2; Mitch Dunn seconded it. The motion was voted in unanimous favor.

Lot 40 Jennings Road – Elizabeth Jennings

Notice of Intent for the construction of a new single-family home, installation of septic system, well, and associated grading

Russell Jennings representing Elizabeth Jennings presented the project to the commission stating that he was proposing the construction of a single family home, septic, boulder walls within 25 ft from the wetlands without wetlands replication.

Angela stated that she had a difficult time locating the lot. She could not properly locate it according to the locus provided. After discussion, all parties agreed on the lot location.

Russell explained that he would fill in the drop and install the boulder retaining walls in the rear of the house on the 25ft line.

Angela requested the construction sequence for the filling. Russel stated that the well, house foundation, boulder walls, septic system, final grading and drive way.

Angela state that the only area of concern was the height of the retaining wall.

Russell explained that it would be between 4 and 6 ft.

Angela required more information on the retaining wall such as a design. However, she stated that she would not be opposed to closing the hearing and issuing the Order with special conditions. She explained that the proposed walls were not engineered designed and without proper drainage they could potentially fail.

Angela asked if the commission would like to request more details or not to exceed 6ft.

The commission agreed to add a special condition stating that the retaining walls would not exceed 6ft.

Arthur Bellerive requested a motion to close the hearing and issue the Order of Conditions with a Special Condition.

Mitch Dunn made a motion to close the hearing and issue an Order of Condition with the following special condition: "The retaining wall shall not exceed 6-feet in height. If, during construction, the Applicant determines the retaining wall will exceed 6-feet all work must stop and the Applicant must submit engineered plans to the Commission for the proposed retaining wall". Robert Hartwig seconded the motion. The motion was voted in unanimous favor.

40 Cranberry Meadow Rd – Martin Lyman

The applicant has filed a Notice of Intent for the installation of a 12'X16' compacted gravel pad as a shed foundation with approximately 10 yards of fill and grading within 100ft buffer zone of a resource area.

A motion was made to have Robert Hartwig as the chair. Motion passed.

Rose Conway informed the commission that this project had been continued due to the lack of a DEP number. She stated that a DEP number had been issued.

Robert Hartwig requested a motion to close the hearing and issue a Standard Order of Conditions.

Mitch Dunn made a motion to close the hearing and issue the Order of Conditions; James Allen seconded it. The motion was voted in unanimous favor.

12 Elliott Drive – Elliott & Joan Burlingame

The applicant has filed for a Notice of Intent for the construction of a single family home, driveway, septic, well, and associated grading

Mark Farrell presented the project stating that was being proposed at the end of Elliot drive 5.28 acre Parcel of land. He explained that one side of the lot had vegetated wetlands and an intermittent stream to the rear vegetated wetland. The applicant proposed to build the house on the front of the lot with the septic located between the road and front of the house. A walk out basement was also part of the proposed plan. The project had no wetlands impact and 25ft of undisturbed area.

Mark Farrell stated that the wetlands were flagged by Glenn Krevosky.

Angela requested Data sheets and Stream Stats.

Robert Hartwig request a motion to continue the hearing. Mitch Dunn made a motion to continue the hearing. Arthur Bellerive seconded the motion. It was voted unanimous favor.

2 Vine Road – Kelly & Bradley Young

The applicant has filed for a Notice of Intent to dismantle and re install an existing retaining wall in the same location.

The applicant presented the project and shared the plan on the screen.

He explained that the walls were failing due to improper drainage. The four walls were 4ft in height and would be replaced in kind.

Angela asked if there was any intent to work on the stairs. The applicant stated he didn't have any intent to work neither on the stairs nor on the rocks. Angela asked if the work would be performed by hand. The applicant stated that an excavator would be required to remove the

wall and that the erosion control would be placed in front of the patio which is located in front of the walls.

Angela asked if the original Order of Conditions had been closed and if a Certificate of Compliance had been issued and recorded.

Rose Conway stated that the Order had been closed and the Certificate of Compliance had been issued, but not yet recorded.

Robert Hartwig requested a motion to continue the hearing due to the lack of a DEP File Number. Mitch Dunn made a motion to continue the hearing on June 2 at 7pm. Arthur Bellerive seconded it. The motion was voted in unanimous favor.

2 Potter Village Road – Robert Stanley

The applicant has filed for a Notice of Intent the installation of a 2 12" HDPE smooth lined culverts to hydraulically connect two wetland areas in order to mitigate flooding

Rose Conway informed the commission that the abutters had not been notified. She recommended not opening the hearing.

24 Dolge Cr – Tim Reynolds

The applicant has filed a Notice of Intent for the repair of an existing broken pipe; removal of an existing shed, installation of a conex box shed, rocks and stumps removal.

Angela Panaccione informed the commission that she had not been to the site and a DEP File Number had not been issued. She recommended continuing the hearing to June 2 at 7 pm.

Robert Hartwig requested a motion to continue the hearing. Mitch Dunn made a motion to continue the hearing on June 2 at 7pm. Arthur Bellerive seconded it. The motion was voted in unanimous favor.

234 A Partridge Hill Rd – Eric Dunigan

The applicant has filed for a Request for Determination of Applicability for the replacement of an existing septic system. Proposed septic system to be placed further away from the Reservoir than currently exists.

Zachary Glass from Existing Grade presented the project stating that the applicant was proposing to repair an existing septic that failed Title V. He stated that he had not received approval from the BOH.

Zachary explained that the existing septic would be removed from the southern side of the house. The new septic tank would be installed near Baker Road in front of an existing garage within an existing concrete driveway. The entire site would be loamed and seeded after install. Angela stated that there was very limited work within the 100ft buffer zone; only the installation of the 1500-gallon tank. She explained that the septic and all its components were outside the area of jurisdiction. Therefore, she was not opposed to issuing a Negative Determination.

Robert Hartwig requested a motion to make a negative determination 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. Mitch Dunn made a motion ; Ron Royer seconded the motion. It was voted in unanimous favor.

58 Haggerty Road – Karen LaCroix

The applicant has filed for a Request for Determination of Applicability for the removal of one tree within 100'ft of a resource area.

Rose Conway informed the commission that she had visited the property and identified the tree. She explained that the applicant would like to remove the tree and keep the stump in place.

Angela Panaccione asked the commission if they would allow her approving the removal of few trees as an administrative of approval with conditions such as: remove the trees when the ground was dry or frozen, stump in place, don't leave debris in the wetlands, have the contractor contact the agent.

She explained that she would request a RDA if the applicant would propose the removal of more than five trees.

The commission agreed with Angela's request.

Robert Hartwig requested a motion to close the hearing and a motion to issue a Negative Determination.

Robert Hartwig requested a motion to make a negative determination 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. Mitch Dunn made a motion; Ron Royer seconded the motion. It was voted in unanimous favor.

190A Partridge Hill Rd – Tom Strenk

The applicant has filed for an Amendment of an Order of Conditions DEP File # 128-163 for the installation of a concrete ramp.

The applicant described the proposed project explaining that she would like to install a driveway from the back of the garage to the water edge.

Angela explained that the proposed work was unpermissible under an amendment due to the increase impact of Resource Area/ Bank. It would require the filing of a new Notice of Intent. Angela asked if the gravel was permitted under the Order of Conditions. Robin stated that the gravel was installed when the house was built.

Angela explained that the gravel was going down into the water and it allowed infiltration of stormwater. A driveway is an impervious surface and would create a direct path for pollution into the lake.

Robin asked if she could install a shorter driveway and allow a certain amount of gravel at the end of the concrete to filter the water prior to entering the lake.

Angela stated that she would like to pull the original Order of Conditions and research the setbacks. She would contact Robin to discuss the submission of a revised drawing.

She recommended continuing the hearing.

Robert Hartwig requested a motion to continue the hearing.

Arthur Bellerive made a motion to continue the Hearing to June 2 at 7PM; Mitch Dunn seconded the motion. It was voted in unanimous favor.

1. Requests for Certificate of Compliance:

DEP File No. 128-0989 – 103 Oxford Road

Rose Conway informed the commission that the Certificate of Compliance was issued back in 2010. However, the original was never recorded. She informed the commission it had to be re-signed.

DEP File No. 128-830 – RJ Davis Road

Angela Panaccione informed the commission that was either recorded incorrectly and that the work never commenced. She recommended issuing an incomplete Certificate of Compliance.

Robert Hartwig requested a motion to issue an invalid certificate of Compliance. James Allen made a motion; Arthur Bellerive seconded it. The motion was voted in unanimous favor.

2. Project Monitoring:

a. Lot 4 Burlingame Rd

Angela informed the commission that she inspected the erosion control and requested them to fix the siltation fence. She authorized work to begin.

b. 41 Shaw/Roy Rd

Angela informed the commission that she inspected the erosion control and requested them to fix the siltation fence. She authorized work to begin.

c. 22 Jennings Rd

She informed the commission that she authorized work to begin and moving forward, she would include a condition to not allowing heavy equipment to be parked near the wetlands

3. Violations & Enforcement:

- a. 74 Harrington Road Parcel ID 62-B-2.13
- b. 0 Harrington Road - Parcel ID 64-B1.6

Rose Conway stated that she was contacted by an abutter informing her that someone was attempting to conduct a test pit and crossing a stream without a permit. The abutter informed that the Realtor George Goulas and the professional driving the excavator were on site.

Rose Conway stated that prior to investigating the concerns, she received a call from Glenn Krevosky who had been contacted by the Realtor.

In the process, Angela received an email from Maryann Wronski-Orasz, the owner of 74 Harrington Road informing that the property had been violated, wetlands had been altered.

Angela stated that she inspected the site and observed that driving on wetlands and stream had occurred. She issued an Enforcement Order requesting a restoration plan for the damage. The Enforcement Order was issued to both parcels. Enforcement Orders are attached.

Williams Stevens, the violator stated that Gorge Goulas (Realtor) hired him to conduct perc testing on the lots. Stevens explained that he thought the area was too wet to perform the test and that an abutter approached him with pictures showing the stream during the wet season. Stevens also stated that Mr. Goulas and an engineer were present at the site and never told him where the property line was. He explained that he did not perform the test and left.

Maryann, the owner of 74 Harrington Road noted that several "private property signs" were present on site.

Stevens stated that he was told by George Goulas and the engineer that they were empty lots for sale; therefore, he had no knowledge of the parcels being private properties.

Rose Conway informed the commission that Glen Krevosky had stated that he had been hired to submit a restoration plan.

Angela explained that a written authorization for both parcel's owners would be necessary in order to perform the restoration on the BVW. She added that the restoration plan had to be submitted covering both properties and have something in writing to allow restoration on 74 and 0 Harrington Rd.

Mr. Lamarine requested clarification. Angela stated that both property owners must put in writing to give permission to the violator address the violation. If permission was not giving, the property owners would become responsible to address the violations.

Robert Oraz stated that he had received a phone call from Glen K. after the fact. He explained that after he visited the location he noticed the stonewall damage and a mini excavator tracks on the wetlands. He asked how didn't Mr. Stevens see the no trespassing signs and why Mr. Stevens didn't go back to fix the damage.

Mr. Stevens stated that he was told to go on the property by Mr. Goulas and that he was upset and left.

Robert asked why was Glen Krevosky part of the conversation.

Rose Conway stated that she was informed by Glenn that he had been hired to submit the plan.

Mr. Lemarine stated that he had not yet hired Glenn.

Robert Oraz asked why Mr. Goulas was not part of the discussion and who would be hiring Glenn or any other professional?

The commission didn't have an answer.

Maryann asked if Mr. Stevens had hired Glenn. Mr. Stevens stated no.

Maryann stated that she would authorize access to her property in writing after Angela had reviewed/approved the restoration plan.

Robert Oraz asked if the Town had any ordinances about stonewall repairs in this situation.

Angela state that she had only found information regarding stonewalls on scenic roads; however, the stone wall must also be part of the restoration plan.

Angela requested a motion to rectify the Enforcement Order. Ron Royer made a motion; James Allen seconded it. The motion passed.

New Business:

111 Smith Road

Angela informed the commission that she had a site visit with DEP on the Superseding Order of Conditions.

57 Richardson Corner Road

Angela requested a motion to issue an Emergency Certification for 57 Richardson Corner to breach a beaver dam that was declared public health safety by the Board of Health.

Arthur Bellerive made a motion; James Allen seconded it. The motion passed.

Stormwater Rules & Regulations

Angela explained to the commission that ConCom was listed as the sponsor for the Stormwater Bylaws for the Town Meeting. Rose Conway and she apologized for the miscommunication and misunderstanding regarding who was sponsoring the bill.

Moving on, she explained that in order to avoid a \$2,500 daily fine, the commission must pass the Stormwater Rules & Regulations by June 30th, 2021. For those reasons, she invited Kate Edwards from Arcadis to give a brief overview of the process.

Kate Edwards explained that Conservation Commission, according to the bylaw, was the authorized enforcement agency for the Stormwater by law. The bylaw gives the commission authority to amend and adopt regulations for Stormwater. Those regulations, under the MS4 Permit that became effective in 2018 states that the regulations and the bylaws together as companion documents, must address Elicit Discharge Detection Elimination by prohibiting elicit discharge to the stormwater system. They also must address construction site stormwater runoff control and they also have very specific additional standards for development and re development.

She stated that the Regulations must be adopted by June 30, 2021 and that is was a Federally issued permit from EPA and it was part of the Clean Water Act.

The commission asked if a further discussion could be held in person. Angela explained that a Public Hearing date would be set to present the Rules & Regulations Draft prior to the Special meeting on June 30th.

Robert Hartwig requested a motion to adjourn the hearing. James Allen made a motion; Ron Royer seconded it. The motion passed.

Meeting adjourned at 9:45PM


Submitted by:
Rose Conway

Accepted by Conservation Commission:

Thomas O'Malley




Arthur Bellerive



Robert Hartwig

Mitch Dunn

Edward Nowak



Ron Royer

James Allen