

CHARLTON CONSERVATION COMMISSION

MINUTES

June 2, 2021

- I. Call to order:
 1. Thomas O'Malley called the meeting to order at 6:00PM
 2. Present: Arthur Bellerive, Ron Royer, James Allen, Ed Nowak, Mitch Dunn, Rose Conway and Angela Panaccione.
 3. Absent: Robert Hartwig

- II. Scheduled Appointments:

Review Draft Stormwater Rules & Regulations

Angela Panaccione starting the meeting sharing a brief background on Stormwater Rules & Regulations and stating that the objective was to understand what was required and what all the various roles and responsibilities were. She asked if the commission had reviewed the 45 pages' document and asked for input on the language. The presentation is attached. The commission had the following questions and comments:

1. Mitch Dunn – Why did the Conservation Commission was replaced with the Conservation Agent as the authorized enforcement? Angela explained that it was a recommendation made by EPA that one person should be responsible for it as opposed to the commission for accountability. Mitch stated that he and the commission would agree to have the "Commission" as the authorized enforcement agency. Angela stated that she didn't have a problem with it and would make the changes.
2. Ron Royer asked if engineers or the commission/Angela would be reviewing the Stormwater Applications. Angela answered that the commission and she would review them based on BMP's Guidelines.
3. Mitch Dunn asked for clarification on the 1-acre single family homes. Angela stated that the reason she would like to have the option for single-family homes was to make sure that they had a good construction sequence and proper erosion and sediment controls.
4. The commission had a discussion on peer review for engineering. Angela explained that the commission had the right to request a peer review. She also explained that she would like to have a collaborative approach with Planning Board since they would be already reviewing Stormwater.
5. Mitch Dunn asked if DPW was involved with the Stormwater. Angela state that DPW was involved in the discussion.
6. Ed Nowak asked how the testing for Total Suspended Soils and Phosphorus would be conducted. Angela explained that she would be doing some testing; however, DEP had

not yet amended the Wetland Regulations and had not developed the updated Stormwater Handbook. Towns are waiting for updated information.

7. Angela expressed the importance to having the Rules & Regulations adopted on June 30th. She proposed making the revisions and emailing the revised draft for review; discussing it again on June 16 at 6Pm and then voting/adopting on it on June 30th. The commission agreed.

7:00 PM Approval of Minutes

Thomas O'Malley requested a motion to approve the minutes. Ron Royer made a motion to approve the minutes from May 5th. Mitch Dunn 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 Associates introduced himself and explained he had received comments and provided responses to peer reviewers. He believed all comments had been addressed. He proposed having the meeting closed with a special condition requiring that the final design of the meter station be provided prior to construction.

Angela Panaccione explained that she was not comfortable due to possible revisions on the design.

Dwight agreed to continue the hearing until revisions were completed.

Angela requested clarifications on the BLSF stating that there weren't calculations on the NOI regardless the BLSF narrative. She asked if she should assume that the work on BLSF would not change the flood storage capacity because it would only be the installation of the pipeline on 169 and all grades would be placed back. Dwight stated that she was correct; all the work on BLSF was associated with Cady Brook crossing and all the grades would be re established to match pre construction conditions.

Angela also requested clarification regarding the Limit Project Provision. One of the conditions to qualify for it was that the vegetation must be restored and she was not able to see any restoration on the plan. Dwight explained that the DOT tree planting plan had been submitted with the NOI. Angela stated that she had the plan for tree removal but not for restoration.

Dwight explained that he had only filed the Limit Project Provision for the Interconnection Pipeline. He stated the trees could not be planted on the pipeline; however, he had proposed

tree planting within the right-of-way. He would submit the tree planting plan which had been approved by DOT as well as the stormwater revisions.

Tom O'Malley requested a motion to continue the hearing. Mitch Dunn made a motion to continue the hearing on June 16 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

Angela Panaccione informed the commission that the applicant had requested a continuance for the hearing.

Tom O'Malley requested a motion to continue the hearing to June 16 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 the project to be withdrawn.

Thomas O'Malley requested a motion to continue withdrawn the application. James Allen made a motion to withdrawn the application; 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.

Ed Nowak recused himself. Angela stated that Art Allen had not reviewed the revised plan. Paul Martin from BSC Group requested to lift the Enforcement Order until Art Allen revises the plans.

Mr. O'Malley requested a motion to lift the Enforcement Order and continue the hearing. Mitch Dunn made a motion to lift the Enforcement Order and continue the Hearing to June 16th at 7Pm. James Allen seconded the motion. It was voted in unanimous favor.

12 Elliot Drive – Elliott & Joan Burlingame

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

Angela Panaccione stated that she visited the site and had some concerns with the flagging and limit of work. She explained her concerns had been addressed and she recommended closing the hearing and issuing a Standard Order of Conditions.

Ken Johnson, an abutter from 0 Lori Lane expressed concerns pertaining to the siltation fence location near the stream. Angela stated that she had requested to have the siltation fence extended to the wetland flag 1-A STX direction. She explained it would follow the topography towards the end of Elliott Drive.

Thomas O'Malley requested a motion to close the hearing and issue the Order of Conditions. James Allen made a motion to close the hearing and issue the Order of Conditions. Arthur Bellerive seconded it. The motion was voted in 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.

Angela Panaccione stated that this was a continuation from the past hearing. She explained that a DEP File Number had been issued. She recommended closing the hearing and issuing a Standard Order of Conditions.

Thomas O'Malley requested a motion close the hearing and issue the Order. Arthur Bellerive made a motion; James Allen 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

Angela Panaccione stated that she had several concerns with the project. She explained that aerial photos showed a significant amount of filling to the BVW. Also, the wetlands depicted on the plans were not accurate. She requested a revised BVW line and calculations on the amount of wetlands filled in. She mentioned that the applicant would need to provide a replication plan if they chose to keep the land in its current state.

Kathy Stanley requested clarification on the location of the filling asking if Angela was referring to the road. Angela stated yes.

Matt Carlson, from Summit Engineering, representing the applicant, gave an overview of the proposed plan. He stated that Rose Conway recommended the installation of a culvert. Rose Conway clarified to Matt and to the commission that the recommendation was to file an after-the-fact Notice of Intent to address the violation. The proposal of the culvert was a decision made by the applicant and the engineer.

Mitch Dunn asked when the fill occurred. Angela estimated it was done around 2015/2016. Mitch Dunn requested the commission to visit the site. Angela stated that she would schedule a site walk with the engineer and the commission.

Thomas O'Malley requested a motion to continue the hearing. Ed Nowak made a motion; Arthur Bellerive seconded. The motion was voted in unanimous favor.

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 visited the site and discussed the work that had occurred and the violation. She stated that the applicant submitted an amendment to the NOI and will be planting maple trees 25ft from the brook to compensate for the trees that were cut. Angela explained that it would benefit the Coldwater Fisheries by providing the necessary shade to maintain the Brook. She stated that the project was an after-the-fact filing and continuation from the past hearing. She informed that a DEP File Number had been issued and she was ready to recommend the issuance of a Standard Order of Conditions.

Thomas O'Malley requested a motion to close the hearing and issue the Order of Conditions. Mitch Dunn made a motion; Arthur Bellerive seconded it. The motion 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.

Angela Panaccione stated that the work was not permitted due to the previous work performed on the site. She explained it exceeded the threshold for bank impact. The applicant was exploring different options and was withdrawing the application.

9 Cranberry Meadow Shore Road – Susan M Baron Irrevocable Trust

The applicant has filed a Request for Determination of Applicability to replace a septic tank in the yard in the same location outside the 50ft buffer zone to a resource area.

Angela stated that she had visited the site and didn't have concerns with the proposed project. She recommended issuing a Negative Determination.

Tom O'Malley 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. Ron Royer made a motion; Mitch Dunn seconded the motion. It was voted in unanimous favor.

77 Leland Drive - Michael Landry

The applicant filed a Request for Determination of Applicability to replace a cesspool with a tight tank within 100' of the lake shoreline as well as to add a drilled well to replace a shallow well that goes dry when the lake is lowered.

Angela stated that she had visited the site and didn't have concerns with the proposed project. She recommended issuing a Negative Determination.

Tom O'Malley 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. Ron Royer made a motion; Arthur Bellerive seconded the motion. It was voted in unanimous favor.

1. Requests for Certificate of Compliance:

DEP File No. 128-1620 – Gerald Doble

Angela recommend the issuance of a Complete Certificate of Compliance.

Thomas O'Malley requested a motion to issue the Complete Certificate. Arthur Bellerive made a motion; James Allen seconded it. The motion was voted in unanimous favor.

DEP File No. 128-1488 – Richard Landry

Angela recommend the issuance of a Complete Certificate of Compliance.

Thomas O'Malley requested a motion to issue the Complete Certificate. Mitch Dunn made a motion; James Allen seconded it. The motion was voted in unanimous favor.

DEP File No. 128-1723 – Kenneth Blackman

Angela recommend the issuance of a Complete Certificate of Compliance.

Thomas O'Malley requested a motion to issue the Complete Certificate. Arthur Bellerive made a motion; Ron Royer seconded it. The motion was voted in unanimous favor.

DEP File No. 128-0965 – Kenneth Blackman

Angela recommend the issuance of a Complete Certificate of Compliance.

Thomas O'Malley requested a motion to issue the Complete Certificate. Ron Royer made a motion; James Allen seconded it. The motion was voted in unanimous favor.

2. Extensions:

DEP File NO. 128-1541 – Geo Bernardone – 76 Baylies Rd

Angela recommend the issuance of the extension.

Thomas O'Malley requested a motion to issue extension to expire in 2024. James Allen made a motion; Mitch Dunn seconded it. The motion was voted in unanimous favor.

3. New/Old Business:

- a. Re appointment for Conservation Commission – Tom O'Malley and Robert Hartwig

Both members would like to be re-appointed.

- b. Re appointment for Prindle Lake Dam Monitors – Joe Bialy and Andrew Visser

Tom O'Malley requested a motion to re appoint both Dam Monitors; Mitch Dunn made a motion; Ron Royer seconded it. The motion was voted in unanimous favor.

- c. Certificate of Compliance – DEP File No. 128-1748

Angela recommended issuing a Complete Certificate of Compliance.

Thomas O'Malley requested a motion to issue the Complete Certificate. Ron Royer made a motion; James Allen seconded it. The motion was voted in unanimous favor.

Next meeting date set for June 16th at 6PM

Public Hearing adjourned at 7:54PM.

Submitted by:
Rose Conway

Accepted by Conservation Commission:

Thomas O'Malley



Arthur Bellerive

James Allen

Mitch Dunn

Edward Nowak



Ron Royer

Robert C. Hartung