

CHARLTON CONSERVATION COMMISSION

MINUTES

June 16, 2021

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

- II. Scheduled Appointments:

Review Draft Stormwater Rules & Regulations

Angela Panaccione starting the meeting sharing the revised Stormwater Rules & Regulations Draft. She asked the commission if they had any additional question/concern.

Mitch Dunn stated that she had made all the changes the commission had requested. However, the commission discussed the following:

1. Fees –

Change the fee amount for 1-5 acres disturbance from \$500 to \$100 and 5-10 acres from \$1,000 to \$500.

Tom O'Malley requested a motion to accept the changes. Robert Hartwig made a motion to accept the changes. Mitch Dunn seconded. Motion was voted in unanimous favor.

Tom O'Malley shared with Angela that other towns had implemented a "Rain Tax"; Angela explained that it was Stormwater Enterprise; which the Town of Charlton has not adopted.

2. Offsite Mitigation –

Angela asked the commission if they would agree with offsite mitigation.

Robert Hartwig requested clarification

Angela explained that sometimes applicants can't meet the standards, such as phosphorus removal on site. In that case, she would choose a different location to remove phosphorus such as on a lake; or requests funds to use towards Town projects.

The commission agreed to approve it.

3. Compensatory Action and Restitution –

Angela explained that in the lieu of enforcement proceedings, penalties and remedies authorized by the Regulations, the Conservation Commission would accept from a violator alternative compensatory actions based on the nature of the violations and the ability of the applicant to restore the damages to the land. Examples would include land donations,

donations to the conservation trust fund, storm drain stenciling, maintenance of Stormwater BMPs, brook clean up, etc...
The commission agreed to approve it.

Arthur Bellerive asked who would be filling the Stormwater Form. Angela answered only who would be disturbing more than 1 acre.

Mitch asked who would be approving the Stormwater Application. Angela stated that the commission would vote on the application. However, she explained that she didn't expect seeing many independent Stormwater fillings since all submitted applications would trigger Wetlands Protection Act one way or the other.

Angela explained that she had posted a Special Agenda for the Public Hearing on June 30 so the commission could vote and adopt the regulations; she also had invited other departments.

7:00 PM

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

Hayley Marsh introduced herself. She explained that they have determined that the user would not need the potential off site trailer parking on Hill Road, and therefore would not be moving forward with the previously filed Notice of Intent. She stated that On June 8, the team had submitted and updated plan set and stormwater report for the project, as well as a memo and response to peer review comments.

Angela requested the team to give an overview of the project since the beginning of the process.

Hayley stated the following:

- Initial site walk with Art Allen last spring prior to filing our MEPA EMF submission
- Additional wetland areas that weren't picked up the first time was incorporated into all of our updated plans
- We filed the first Notice of Intent back in December of 2020 and came back to the board in January for an update
- Additional revisions to the site plan were made in April, where we presented an updated filing set and an additional Notice of Intent for Hill Rd, which had been withdrawn.

John Perry, the Civil Engineer for the project presented the site original site plan to give the commission some background and context. It was for 1.2 or just under 1.2 million square foot building warehouse distribution center building with truck loading along the East and the West sides with truck parking along both of sides.

He explained that the original plan showed a "loop road". It was necessary so the trucks could do a full circle around the site which would result in a 1.900 sq. feet wetland impact.

John stated that the "loop road" had been removed from the revised site plan reducing the amount of impervious surface and eliminating wetland impacts in the area. He also stated that he had addressed Graves engineering comments, which were being reviewed and would be addressing Angela's email regarding construction period pollution prevention and erosion and sediment.

Rich Kirby, from LEC presented the resource areas to the commission. He stated that the only alteration to the riverfront area was for a stormwater pond. Also proposed was some compensatory flood storage and wetland replication. He explained that the project would require some improvements to route 20 which included some roadway widening work. The team was currently working with mass DOT to finalize those plans and would anticipate filing an application with the conservation Commission in the Fall.

Rich stated that he anticipated having some flood storage loss due to the widening of the roadway and a nominal amount of wetland alteration; some of it would be temporary, which would be replaced in-kind, and some alteration would be permanent.

In addition, he explained that they were proposing to extend the covert six feet on one side and maybe eight feet on the other side to accommodate the lane widening and the additional turning lanes needed for the intersection.

Angela asked if the current culverts meet the stream crossing standards. Rich stated that they didn't. However, based on some preliminary calculations, the team was comfortable that the culverts carried the hundred-year storm event which puts into question the location of the Zone A boundary from the FEMA flood maps and that they were looking at whether or not the culverts would actually carry the 500-year event.

Pertaining to Stormwater, Angela asked if the applicant was proposing any green infrastructure or LID. Rich stated yes. He was proposing a couple of infiltration basins. He was also treating one inch water volume and achieving 44% pretreatment before discharging to the infiltration areas. In addition, he was also do exceeding the overall 80% TSS removal for the site.

Angela explained that she had a site walk schedule with Art Allen. She recommended continuing the hearing.

Thomas O'Malley requested a motion to continue the hearing to July 14 at 7PM.

Ed Nowak made a motion to continue the hearing to July 14 at 7 PM; Arthur Bellerive seconded. 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

Alyssa Jacobs from Epsilon Associates. She believed all peer review comments had been addressed and also the response form Angela’s questions. She would like to request the commission to issue the Order of Conditions.

Angela just wanted to make sure that the team was in agreement the Mr. Rand could remove the culvert on his property. Jay Gamble from Weston & Sampson stated yes; the culvert was not needed for the project.

Tom O’Malley requested a motion to close the hearing and issue the Order of Conditions. Arthur Bellerive made a motion to close the hearing and issue the Order; 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 representing the applicant stated that the required revisions and responses to peer review and Angela had been provided. He explained that a site visit had occurred on that morning and believed that Art Allen was in agreement with the wetland delineation. He asked if Angela or the commission had any further question. Angela would like to clarify that she was just confirming BVW, Bank, Land Under Water and Riverfront Area, but not BLSF. Paul stated that they were not requesting confirmation for BLSF. Angela stated that if any changes were needed, she would review it once the Notice of Intent was filed.

Paula Manson, a resident from 49 Burlingame Road asked if the plan were available as public record.

Angela stated that they were on the Town of Charlton website under Conservation as well as in the office.

Paula asked if the wetlands went into Capen Hill.

Angela explained that some of the wetland lines run into Capen Hill but she recommended not to confirm them because they hadn’t been surveyed, they were just approximate. Also, she didn’t believe that the applicant had permission to go into Capen Hill.

Paula asked if anyone had requested permission to Capen Hill. Paul Martin couldn't answer the question. He stated that no permission was given to access Capen Hill property.

Angela was ready to close the hearing and confirm the wetlands, bank, riverfront flags shown on the subject parcel as accurate, but the approximate wetlands on Capen Hill as not accurate.

Mr. O'Malley requested a motion to close the hearing and issue the Order of Resource Area Delineation. Ed Nowak made a motion to close the hearing and issue the ORAD confirming the wetlands, bank, riverfront flags as accurate, and the approximate wetlands on Capen Hill as not accurate. Robert Hartwig seconded the motion. It 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 stated that she was waiting for revisions and recommended continuing the hearing. Thomas O'Malley requested a motion. Ed Nowak made a motion to continue the hearing to July 14 at 7PM; Arthur Bellerive seconded. The motion was voted in unanimous favor.

13 Meadow Lane – Nadia Wright

The applicant has filed a Notice of Intent for the construction of a new 18X36 in ground pool

Nadia representing Juliano's Pool presented the project stating that she was proposing a 18X36 in ground pool at 13 Meadow Lane. She will be 28ft from the wetlands. Not stockpiling was being proposed and all debris would be hauled away immediately. She proposed siltation fences and hay bales for erosion control.

Angela recommended closing the hearing and issuing a Standard Order of Conditions. Thomas O'Malley requested a motion. Robert Hartwig made a motion to close the hearing and issue a Standard Order of Conditions. Mitch Dunn seconded it. The motion was voted in unanimous favor.

0 Stevens Park Rd – Arthur Bellerive

The applicant has filed a Notice of Intent for the construction of a single family house and appurtenances within 100' Buffer Zone of Glen Echo Lake and 200' Riverfront Area of Cady Brook

Arthur Bellerive excused himself.

Margaret Bacon presented the project. Angela stated that she didn't have any concerns. However, she asked regarding the Chapter 91 License. Margaret explained that she believed

some projects triggered Chapter 91 License because Glen Echo Lake is over 10 acres. She stated that it didn't apply to this project.

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

82 Stevens Park Rd – Margaret McCarthy

The applicant has filed a Notice of Intent for the repair of an existing retaining wall along the edge of Glen Echo Lake and other work activities with the 100' Buffer Zone

Margaret Bacon presented the project. She explained this project triggered Chapter 91 License due to the retaining wall in close proximity to the Lake. The applicant was planning on replacing the wall during the lake drawdown and start the proposed work in the buffer zone early this summer.

Angela recommended continue the hearing due to the possible fee increase. Margaret stated she would look into the Chapter 91 License.

Thomas O'Malley requested a motion to continue the hearing. Ron Royer made a motion to continue the hearing on July 14 at 7 PM; Ed Nowak seconded it. The motion was voted in unanimous favor.

12 Dresser Hill Rd – Town of Charlton/Recreation Commission

The applicant has filed a Notice of Intent to make ADA accessibility improvements to existing Maynard Athletic Field facility including improved paved ADA parking, pedestrian access and ADA accessible concessions building and provide ADA accessible viewing area

Chris McClure from McClure Engineering presented the project stating that the Town/Recreation intended to bring the facility into ADA Compliance.

He explained that the project involves minor widening of the existing access and parking area to fit ADA compliant elements, parking and pedestrian access down to the concession stand.

Also proposed is a concession booth that as ADA compliant counters as well as a path and ADA viewing area that would be adjacent to the current bleachers.

Chris stated that he did a hydrological analysis and that there would be very little increase on run off.

Angela mentioned that DEP had few comments related to Stormwater. Chris stated that he could offer some crushed stone intercept trench at the edge of the pavement to mitigate.

Angela agreed. She would add a special condition to the Order addressing the Stormwater Standards No.2.

Thomas O'Malley requested a motion to close the hearing and issue the Order.

Mitch Dunn made a motion to close the hearing and issue a Special Order of Conditions. Ron Royer seconded it. The motion was voted in unanimous favor.

57 Lakeview Drive - Michael Potvin

The applicant has filed a Request for Determination of Applicability for the removal of eight large pine trees and stumps grinded.

Angela stated that she had visited the site and didn't have any concerns with the request.

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.

75 Leland Drive – Nancy Moore

The applicant has filed for a Request for Determination of Applicability for the installation of a deck, patio and gazebo

Angela stated that she had visited the site and didn't have any concerns with the request.

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. Mitch Dunn made a motion; Arthur Bellerive seconded the motion. It was voted in unanimous favor.

1. Requests for Certificate of Compliance:

DEP File No. 128-1663 190A Partridge Hill Rd

Angela recommended issuing 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. 128-412 – 87 Nugget Drive

Angela recommended issuing 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. 128-1774 – 27 Hyde Road

Angela recommended issuing 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. 128-1616 – 85 Baker Pond Rd

Angela recommended issuing a Complete Certificate of Compliance.

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

**DEP File Nos. 128-0479, 128-0500, 128-0949, 128-0950, 128-1042, 128-1043, 128-1334, 128-1335, 128-1409, 128-1410, 128-1412, 128-1413, 128-1418, 128-1422, 128-1423, 128-1430
– ExxonMobil Pipeline Company**

Angela recommend the issuance of a Complete Certificates of Compliance for each of the requests.

Thomas O'Malley requested a motion to issue the Complete Certificate for each request. Ron Royer made a motion; Mitch Dunn seconded it. The motion was voted in unanimous favor.

2. Extensions:

DEP File No. 128-1683 – 26 Willis Drive

Angela recommended issuing the extension.

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

DEP File No. 128-1690 – 7 Pineland Drive

Angela recommended issuing the extension.

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

DEP File No. 128-1665 – 4 Buteau Rd

Angela recommended issuing the extension.

Thomas O'Malley requested a motion to issue extension to expire in 2024. Robert Hartwig made a motion; Arthur Bellerive 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 July 14th at 6PM

Public Hearing adjourned at 8:05PM.

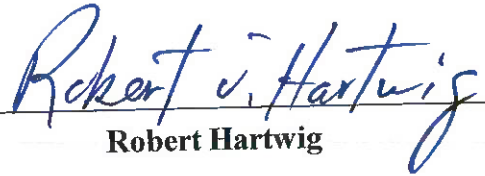
Submitted by:
Rose Conway

Accepted by Conservation Commission:

Thomas O'Malley



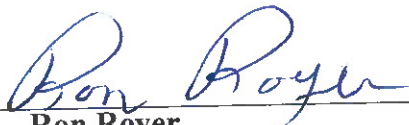
Arthur Bellerive



Robert Hartwig

Mitch Dunn

Edward Nowak



Ron Royer