



# TOWN OF CHARLTON CONSERVATION COMMISSION

## Meeting Minutes

Wednesday, June 28 2023

LOCATION: VIRTUAL VIA ZOOM & In Person

**Members Present:** Ed Nowak  
Jackie Nowak  
Ron Royer  
Mitch Dunn

**Members Absent:** Tom O'Malley

**Also Present:** Alan Leone & Erica White

1. **Call to Order:** 7:00 PM – Ed Nowak

2. **Public Inquiries:**

Removal from Chapter 61B – Parcel ID 15-A-15, 15-A-14 – Brookfield Road

**Motion made by Mitch Dunn to not exercise the first right of refusal**

**Motion seconded by Jackie Nowak**

**No further discussion**

3. **Approval of Minutes**

May 24, 2023

4. **Schedule of Public Hearings**

- a. 7:00 PM Notice of Intent (NOI) DEP# \_\_\_\_\_ – 6 Gale Road: The applicant has submitted a Notice of Intent for the construction of a new shared driveway crossing with associated 1.5:1 wetland replication

Rose Conway recommended continuing the meeting to July 12, 2023 at 7pm

**Motion made by Ron Royer to continue the hearing to July 12, 2023 at 7pm**

**Motion seconded by Jackie Nowak**

**No further discussion**

- b. 7:00 PM Notice of Intent (NOI) DEP# \_\_\_\_\_ – Lot 4 Brookfield Road: The applicant has submitted a Notice of Intent for the construction a single-family home within 100ft of a BVW

Rose Conway recommended continuing the meeting to July 12, 2023 at 7pm

**Motion made by Mitch Dunn to continue the hearing to July 12, 2023 at 7pm**

**Motion seconded by Jackie Nowak**

**No further discussion**

- c. 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 a single-family home with septic system and associated utilities

Rose Conway recommended continuing the meeting to July 12, 2023 at 7pm

**Motion made by Ron Royer to continue the hearing to July 12, 2023 at 7pm**

**Motion seconded by Mitch Dunn**

**No further discussion**

- d. 7:00 PM Notice of Intent (NOI) DEP# \_\_\_\_\_ - 17A Oak Ridge Drive - The applicant has submitted a Notice of Intent for the construction of a single family-home and associated utilities within 100ft of BVW/Prindle Lake

Peter Engle from McClure Engineering presented the project. He stated that the parcel had an existing boathouse near the lake and that the previous owner had installed a new septic system. Peter explained that the new property owner was proposing utilizing the septic system in the construction of a container home. The project would be 50ft from the lake.

Rose Conway asked if the container home would require a foundation. Peter Egle could not answer.

Rose Conway recommended continuing the hearing to July 12, 2023 at 7pm

**Motion made by Jackie Nowak to continue the hearing to July 12, 2023 at 7pm**

**Motion seconded by Ron Royer**

**No further discussion**

- e. 7:00 PM Notice of Intent (NOI) DEP# \_\_\_\_\_ 28 Curtis Hill Road and New Spencer Road The applicant has submitted a Notice of Intent for the construction of a 72 Lot Subdivision and associated grading

Julian Votruba from New England Environmental Design presented the project. He explained that the main entrance to the Subdivision would be from RT 31. He stated that the project was designed to consider the wetlands; he stated that no wetland alteration was proposed and the project was only within the buffer zone. Julian explained that detention ponds were being proposed to collect all the drainage and that the sewer line would cross the railroad and go into the town municipal sewer system.

Julian explained that the project was in front of the Planning Board.

Rose Conway stated that she was still waiting for the Town Stormwater Land Disturbance Application.

Robert Beringer, resident of 24 Curtis Hill Road introduced himself. Robert had concerns regarding the access Road. He did not believe that the road was currently almost impassable.

Julian Votruba explained that the proposed road was not in that same location.

Robert mentioned that few years ago there was a concern that the sewer line was crossing the railroad. Julian explained he would investigate it.

Robert also inquired about the entrance on Curtis Hill Road. Julian explained that it would be an emergency only access road.

Rose Conway recommended continuing the hearing to July 12, 2023 at 7pm.  
**Motion made by Ron Royer to continue the hearing to July 12, 2023 at 7pm**  
**Motion seconded by Mitch Dunn**  
**No further discussion**

- f. 7:00 PM Request for Determination of Applicability – 6 Snake Hill Road The applicant has submitted a Request for Determination of Applicability for the installation of one (1) new utility mid-span pole and removal of thirteen (13) trees.

Allison Milliman from BSC Group. She explained that the scope of the request for determination was from the installation of one mid-span pole and the removal of thirteen trees. Allison mentioned that upgrades were considered exempt because they were in kind replacements of the existing distribution line.

Rose Conway recommended a Negative Determination with Conditions  
**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 Ron Royer**  
**No further discussion**

- g. 7:00 PM Abbreviated Notice of Resource Area Delineation – DEP No. 128-1903- Flint Road and Burlingame Road- The applicant has submitted a Request for Determination of Applicability to allow for review and approval of the wetland boundaries

Scott Morrison from EcoTec presented the project. He explained that the Town was in the process of essentially recapping the old landfill. In order to do so, the Town needed to determine the exact extent of the wetland's boundaries to avoid encroaching.

Gary Magnuson from CMG Environmental explained that DEP had recently approved a comprehensive site assessment for this uncapped landfill and a set deadline of November of 2023. Associated with it was determining the location of the wetlands so he could determine where the cap was designed. He stated that once that step was completed, he would file for a Notice of Intent for the construction work.

Rose Conway recommended closing the hearing and issuing the Notice of Resource Area Determination.  
**Motion made by Jackie Nowak to close the hearing and issue the Notice of Resource Area Delineation**  
**Motion seconded by Mitch Dunn**  
**No further discussion**

- h. 7:00 PM Request for Determination of Applicability – Flint Road and Burlingame Road- The applicant has submitted a Request for Determination of Applicability for the digging of eighteen test pits

Gary Magnuson from CMG Environmental presented the project. He explained that one of the major components required by DEP was to know where the waste ended and the native soils began. He stated that he was proposing about 18 tests pits and eight of them were within the buffer zone.

After discussion, Rose Conway recommended closing the hearing and issuing a Negative Determination.

**Motion made by Ron Royer 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 Mitch Dunn**

**No further discussion**

**5. Requests for Certificate of Compliance:**

DEP No. 128-1582 – 17A Oak Ridge Drive

Rose Conway stated that the applicant had not finalized the work under the approved order and had sold the property. She explained that the new property owner had filed a new application. She recommended issuing a complete Certificate of Compliance for Order of Conditions DEP No. 128-1808 so the Public Hearing for the new application could be open.

**Motion made by Mitch Dunn to issue a complete Certificate of Compliance**

**Motion seconded by Jackie Nowak**

**No further discussion**

DEP No. 128-1808 – 36A Young Road

Rose Conway stated that the project was related to the construction of a barn. She recommended issuing a Complete Certificate of Compliance

**Motion made by Mitch Dunn to issue a complete Certificate of Compliance**

**Motion seconded by Jackie Nowak**

**No further discussion**

DEP No. 128-1802 – 64 Stevens Park Road

Rose Conway stated that the project was related to grading and clean up within 100FT from Glen Echo Lake. She recommended issuing a complete Certificate of Compliance

**Motion made by Jackie Nowak to issue a complete Certificate of Compliance**

**Motion seconded by Mitch Dunn**

**No further discussion**

## **6. Violations:**

Lot 2 Pumpkin Lane – Stormwater runoff

John Colognesi, resident of 12 Pumpkin Lane and president of the Prindle Lake Association introduced himself. He and few members of the association were present to share concerns regarding sediments flown into the lake for the past two years. He shared a timeline regarding runoff leaving the construction site across the street and entering the lake.

Starting on July 8, 2021, John stated that sediments from the construction site have entered the lake just about every time during significant rainstorm.

John stated that on August 31, 2021, EcoTec produced the document “How to remove sediments from Land Under Water”; he believed that there was only one attempt to implement the instructions on how remove the sediment and he was not sure how effective it was.

John explained that on July 9, 2022, another violation happened, and a Cease & Desist Order was issued. He stated that many more incidents occurred, and no additional sediment removal took place. During the construction on both parcels, John believes that the contractor repeatedly tried and failed to protect the Lake.

At the end, John asked what the commission would or could do to remove the sediments from the lake.

Ed Nowak asked Rose Conway if the sediment removal was part of the Order of Conditions. Rose Conway answered yes. She stated that the stormwater runoff could have been prevented and that the contractor knew that the cleanup should have taken place within 24 hours in the case of a runoff.

Ed Nowak asked if a survey measuring the depth of the lake was ever done. The answer was no.

After discussion, Rose stated that she would investigate if the removal of the sediment could be performed under an Enforcement Order or if additional permitting would be required. She recommended adding the issue back to the agenda on July 12 to discuss it further.

## **1. Old/New Business**

60 Pumpkin Lane

Tom Racine explained that DEP built a berm and there was a small pile of dirty remaining in the area. He explained that due to health issues, he has secured the pile and was planning in removing it by the end of the summer.

The commission had no comments.

Public Hearing Summer Schedule

Rose Conway suggested meeting once a month during the summer.

**Motion made by Mitch Dunn to meet once a month during the summer**

**Motion seconded by Jackie Nowak**

**No further discussion**

**Motion to Adjourn at 8:09pm**

**Motion made by Mitch Dunn**

**Seconded by Jackie Nowak**

**Submitted by:**

**Rose Conway**

**Accepted by Conservation Commission:**

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**Ron Royer**

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**Jackie Nowak**

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**Ed Nowak**

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**Mitch Dunn**

Submitted by:  
Rose Conway

Accepted by Conservation Commission:



**Ron Royer**



**Jackie Nowak**



**Ed Nowak**



**Mitch Dunn**