

CHARLTON CONSERVATION COMMISSION

Special Public Hearing Minutes

June 30, 2021

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

- II. Scheduled Appointments:

Proposed 2021 Town of Charlton Stormwater Management Regulations

Robert Hartwig started the meeting asking if there had been any public comment or if there was any resident with question on the call. Angela stated that she had received two public comments from Lisa Westwell, one sent to the Town Administrator, Andrew Golas via social media and one sent to Andrew Golas, Angela Panaccione and Rose Conway via email.

The first comment was submitted to the Andrew Golas by Lisa Westwell via the online form submittal. The comment was as follow:

"Hi Andrew,
Town Meeting voted AGAINST the stormwater bylaw and Conservation appears to be trying to implement it anyway -6/30 special mtg agenda. This Town needs to respect the vote of the people! Had to put in my two cents as this has happens often."

Town Administrator, Andrew Golas response to Lisa's comment was as follow:

"Hello Lisa,

I am in receipt of your inquiry below. While the Town Meeting voted against the proposed bylaw revisions that were presented at Town Meeting, The Town of Charlton had already adopted a stormwater bylaw back at the Annual Town Meeting of 2011. The existing bylaw is referenced here:

<https://ecode360.com/27313158>

The purpose and intent of the bylaw revision presented at Town Meeting was to bring the existing bylaw into further conformity with the federal NPDES MS4 regulations. I have attached the Massachusetts NPDES MS4 Permit below, please reference note Page 30, 2.3.4 (a).

<https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/final-2016-ma-sms4-gp-mod.pdf>

Regardless of the modification to the town's stormwater bylaw, the Conservation Commission is still required to adopt stormwater management regulations in accordance with the MS4 permit. The proposed regulations are being considered in accordance with the existing bylaws. If you have any questions relative to the proposed regulations or MS4 permit, please contact Conservation Director Angela Panaccione who I have copied on this email. Thank you!"

The second comment was submitted to Andrew Golas, Angela Panaccione and Rose Conway via email. The comment was as follow:

"Good morning,

I'm writing to express my strong opposition to the Conservation Commission's attempt to pass the Stormwater Bylaw that recently failed at Town meeting. The voters do not want this bylaw passed and even though it may be the Commission's ability to "promulgate" law, it is against the will of the voters in this Town. This bylaw will place an undue burden on residents in the form of applications, fees, additional permitting requirements, and possible peer review fees. Stormwater is already heavily regulated per the state Wetlands Protection Act. Attempts to pass this bylaw in direct opposition to the voters is wrong and the Commission should NOT pass it. Thank you."

Conservation Director, Angela Panaccione response to Lisa's comment was as follow:

"Thank you Lisa.

I just want to clarify this is not a Bylaw. It is rules and regulations to support the Stormwater Bylaw that has existed in Charlton since 2011. The Bylaw that did not pass town meeting was purely administrative to clean up the language and formatting of the existing bylaw.

If MA DEP updated the wetlands regulations to comply with the MS4 permit this would not be needed. They have been in the process of doing this for two years now. The regulations we are passing will become state law as soon as MA DEP finalizes the regulation changes themselves. If we do not pass the regulations by June today, as specifically as they are written in the MS4 permit the EPA will fine the town \$25,000/day until we do which would cost the residents way more than getting the required laws on the books. You may contact Newt Tedder from the EPA if you need more clarifications on the requirements of the MS4 permit.

The regulations, like the existing Bylaw only apply to developments that exceed 1 acre and most likely already trigger a NPDES Construction General Permit. To simplify - commercial, industrial and subdivision developments will be the main areas affected.

It will not apply to single family home construction so the majority of residents will not be affected by the supporting regulations.

Thank you for your comments and please attend our hearing tonight if you require any further clarification on the matter.”

Angela stated that she had added a Preface to the documents and noted that Rose Conway had emailed the documents to the commission.

Angela read the Preface as follow:

Preface

These regulations are promulgated by the Charlton Conservation Commission pursuant to the authority granted to the Commission under Section 175-5(C) of the Town of Charlton Stormwater Bylaw (Adopted by the Town Meeting of Charlton 5/16/2011 ATM by Article 20). These rules and regulations complement and amplify the Bylaw and shall have the force of law upon their effective date.

The purpose of the Charlton Stormwater Regulations is to clarify and define the 2011 Stormwater Bylaw (hereafter referred to as the "Bylaw"), administered by the Charlton Conservation Commission (hereinafter "Commission"). The Bylaw and supporting Rules and Regulations are required to meet all applicable federal and state requirements of Section 2.3.4(a) of the National Pollutant Discharge Elimination System General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (as modified), United States Environmental Protection Agency (EPA), the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. §1251 et seq.), and the Massachusetts Clean Waters Act, as amended (M.G.L. Chap.21 §§ 26-53). These regulations establish a uniform process by which the Commission can review and regulate activities identified by the Bylaw.

The Commission promulgated the Stormwater Regulations by a majority vote of the Commission, after a Public Hearing held on June 30, 2021 at 7:00pm. The Public Hearing was advertised in the Southbridge Evening New on Thursday June 17, 2021; at least seven (7) days before the hearing date as required under Section 175-5(C) of the Town of Charlton Stormwater Bylaw. The effective date of these regulations shall be June 30, 2021. These regulations apply to all applications made on or after the effective.

Robert Hartwig and Arthur Bellerive asked if the bylaws and regulations could be modified anytime. Angela explained that the Bylaws would need to go to Town meeting and to the Attorney General; however; the Regulations could be amended by the commission only.

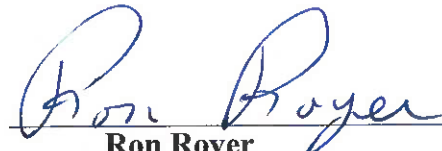
After a brief discussion, Robert Hartwig made a motion to adopt the Stormwater Regulations. Arthur Bellerive, Mitch Dunn and Ron Royer seconded the motion. The motion was voted in unanimous favor.

Submitted by:
Rose Conway

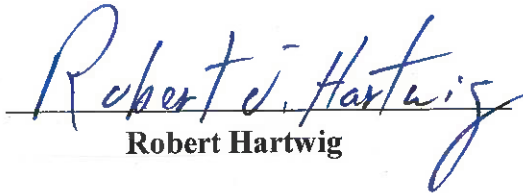
Accepted by Conservation Commission:



Arthur Bellerive



Ron Royer



Robert Hartwig

Mitch Dunn