



TOWN OF CHARLTON CONSERVATION COMMISSION

Meeting Minutes

Wednesday, July 12, 2023

LOCATION: VIRTUAL VIA ZOOM & In Person

Members Present: Ed Nowak
Jackie Nowak
Ron Royer
Mitch Dunn
Tom O'Malley

Also Present: Alan Leone & Erica White

1. **Call to Order:** 7:00 PM – Tom O'Malley

2. **Public Inquiries:**

Robert BLV – Stormwater runoff

Angela Panaccione recommended discussing the issue during the next meeting due to the absence of Mr. Sanchez

3. **Approval of Minutes:** June 14, 2023

Motion made by Jackie Nowak to approve the minutes from June 14, 2023

Motion seconded by Mitch Dunn

No further discussion

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

Angela Panaccione recommended continuing the meeting to August 16, 2023 at 7pm

Motion made by Mitch Dunn to continue the hearing to August 16, 2023 at 7pm

Motion seconded by Ed Nowak

No further discussion

- b. 7:00 PM Notice of Intent (NOI) DEP# 128-1901 – 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 August 16, 2023 at 7pm

Motion made by Jackie Nowak to continue the hearing to August 16, 2023 at 7pm

Motion seconded by Mitch Dunn

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

Angela Panaccione recommended continuing the meeting to August 16, 2023 at 7pm

Motion made by Jackie Nowak to continue the hearing to August 16, 2023 at 7pm

Motion seconded by Ed Nowak

No further discussion

- d. 7:00 PM Notice of Intent (NOI) DEP# 128-1904 - 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 reiterated that this was a modular container home in the buffer zone that would be tied into the existing septic system and was further from Prindle Pond than the existing structure. A DEP No. was issued since the last meeting.

Angela Panaccione recommended closing the hearing and issuing the Order of Conditions.

Motion made by Jackie Nowak to close the hearing

Motion seconded by Ron Royer

No further discussion

Motion made by Ron Royer to issue the Order of Conditions

Motion seconded by Mitch Dunn

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

Angela Panaccione recommended continuing the meeting to August 16, 2023 at 7pm

Motion made by Jackie Nowak to continue the hearing to August 16, 2023 at 7pm

Motion seconded by Mitch Dunn

No further discussion

- f. 7:00 PM Notice of Intent – DEP No. 128-1902- 3 Daniels Road - The applicant has submitted a NOI for the construction of a above ground pool with 100ft of BVW

Angela Panaccione stated that the application was for the installation of an above ground pool in the buffer zone. She explained that she performed a site visit and that there were discrepancies on agreeing with the wetland delineation. In her Finding of Facts, she wrote “we didn’t confirm the wetland delineation” but it was a buffer zone, so any additional work would require further review and another notice of intent. She recommended closing the hearing and issuing the Order of Conditions.

Motion made by Mitch Dunn to close the hearing

Motion seconded by Alan Leone

No further discussion

Motion made by Jackie Nowak to issue the Order of Conditions

Seconded by Mitch Dunn

No further discussion

- g. 7:00 PM Request for Determination of Applicability – 41 Oak Ridge Drive – The applicant has submitted a Request for Determination of Applicability for the removal of six trees, replacement of front steps deck, and the installation of a driveway and French drain within 100ft BZ from Prindle Lake

Rose Conway stated that the applicant requested the removal of six (6) trees, with the closest being about 5-10 feet from the bank on Prindle Lake. The applicant also proposed adding a driveway outside of the existing garage, which was approximately 95-feet within the Buffer Zone. The applicant, Kelli, reiterated that she was proposing a french drain in front of the garage to assist with drainage going off to the right side of it.

Angela Panaccione asked where the french drain would discharge to

Kelli answered to the right side of the garage, down the right side of the property, on the grass.

Angela asked how far from the abutting property the drain would discharge

The applicant stated that there wasn't any abutting property.

Angela stated that she had no issues and recommended issuing a negative determination.

Motion made by Ron Royer to issue a negative determination

Motion seconded by Jackie Nowak

No further discussion

- h. 7:00 PM Request for Determination of Applicability – Lot 3 Prindle Hill Road - The applicant has submitted a Request for Determination of Applicability for construction of a single-family home and associated grading

Angela Panaccione visited the site with the wetland consultant, and it was shown as three (3) isolated wetland pockets, but two (2) of them were not isolated and she noted a hydrologic connection was present. Angela and the wetland consultant agreed on the connections which matched up from flag to flag.

Angela recommended issuing a positive determination, and the filling of a notice of intent because the sewer line had to go through the wetland. She stated that the alteration would be temporary in nature for crossing and did not require replication.

Nelson Burlingame disagreed with Angela's findings stating that his engineer stated that it was uplands and that "they" had agreed that they were uplands.

Angela corrected Nelson and stated that it was agreed that wetland flag L5 connects to B7.

Motion made by Mitch Dunn to issue a Positive Determination

Motion seconded by Jackie Nowak

Angela stated that there was no issue with the plan, but it couldn't be permitted under an RDA.

Rose Conway seeks to confirm that there is no change in the plan.

Angela states that the only change is going to be the connection and showing the location of the temporary crossing.

5. Requests for Certificate of Compliance:

DEP No. 128-1775 – 17 Boucher Drive

Angela Panaccione performed a site visit and reported that everything had grown in and regenerated from the old violation. She recommended issuing a complete certificate of compliance.

Motion made by Mitch Dunn to issue a complete certificate of compliance

Motion seconded by Alan Leone

No further discussion

DEP No. 128-1779 – 41 Davidson Road

Angela Panaccione recommended issuing a complete certificate of compliance.

Motion made by Mitch Dunn to issue a complete certificate of compliance

Motion seconded by Alan Leone

No further discussion

6. Violations:

Lot 2 Pumpkin Lane – Stormwater runoff

Rose Conway mentioned videos and handed some photos to the board for review.

Ron Royer asked if there was a remedy for the runoff

Angela Panaccione stated that the only remedy would be paving the driveway.

Mitch Dunn spoke through the chair to Mr. Tretheway and asked when he thought he might have the driveway paved.

Mr. Tretheway stated that he was waiting on the permit from the building department.

Mitch Dunn asked Mr. Tretheway if he had the well in yet.

Mr. Tretheway stated that he had the well installed

Angela Panaccione stated that the only way to get rid of the fines was by using flocculent; and the only way to properly use flocculant was to get samples of the water with sediment, take it to the lab to get the correct flocculant that would bind to it.

Mr. Tretheway stated that the swale was so big and was not sure how to have the flocculants binding to the sediments. Angela suggested putting rock in the swale with some waddles.

Dick Watts stated that he had been coming to the last five meetings as it related to the issues of sediment getting into the lake. Last time he was there, the commission said they were going to put a stop to violations; yet there was even more sediment ending up into the lake

Angela Panaccione agreed and stated that all the fines were starting to accumulate into the cove.

Mitch Dunn asked if Mr. Santos had been notified that the cove had to be cleaned.

Mr. Tretheway stated that no one ever said anything to them.

Mitch Dunn said that it was discussed at the last meeting.

Rose Conway interjected that they were looking into a way on how to remove the sediments.

Angela P. recommended taking the sample to Hydrograss, getting an estimate, and speaking with John's son.

Peter Capuano stated that at this point he would settle for dredging. He stated that his family couldn't go into the water because it was all green and slimy.

Angela P. stated that the algae was a separate issue.

Tom O'Malley spoke directly to Peter Capuano and asked if the contractor had his authorization to take a sample of water from his property.

Peter Capuano agrees answered yes.

Dick Watts asked who would pay for flocculants

Angela stated that it would fall on the violator. Gene stated that he would have to discuss the situation with the heirs to the Santo's estate.

Motion made by Mitch Dunn to have Gene taking a sample of water from Mr. Capuano's property to hydrograss to have a flocculant test

Motion seconded by Alan Leone

No further discussion

City Depot Road Subdivision – Stormwater runoff

Jay Gadoury stated that there were three violations. The silt fence was down on a couple of areas within the property; there were 20 to 30 square feet of sediment in the wetlands and when it rains the runoff goes right down the driveway.

Jay explained that in order to stop the violations he needed to take the hill down and stabilize the existing slope with topsoil and grass.

Rose Conway stated that site stabilization was not part of the Cease and Desist.

Angela stated that the wetland violation could be considered minor, but the stormwater violation was serious.

Rose Conway stated that he did not have his General Construction Permit from EPA

Tom O'Malley asked how long of a project it was to take the hill down.

Jay answered that it would take about 2-3 weeks and that it was going to be taken out of the site.

Angela stated that she had never seen anything like it and she was at a loss.

Ed Nowak states that if it was going to take 2-3 weeks, in the interim he needed to stabilize before the rain

Rose Conway stated that the applicant should have an engineering plan before he even starts.

Angela asked how he was even going to safely get a piece of equipment to remove the trees.

Jay Gadoury stated he had an access road on the left side.

Angela stated that the plan was not designed properly from the beginning and that she didn't have any recommendations.

The discussion ended. The commission would follow up on the progress.

Amazon

Steve Blanchard stated that he was getting runoff from the slope that Amazon built, and it was getting worse. He introduced video as evidence.

Lee Blackwell, representative of Bluewater Properties, states that he knew Steve and that they spoke on a frequent basis. Lee intended to be a good community stakeholder and that's why he spoke to people when they had issues. Lee explained that the condition on Monday was due to a breach of a berm. Unfortunately, their landscape worker had driven over the berm which caused the breach. There was some concern back in the fall about the slope. Whether it would contain enough water for runoff or if it would still run onto their property. Mike Andrade went to the site and the conclusion at that point in time was that once that was stabilized it would meet the design criteria and not have any outflow off the property. Lee explained that the immediate corrective action was that the berm was repaired, and curbs were going in in few days.

Angela Panaccione stated on the record that she did not agree with Mike Andrade's original report from a year ago; she did not believe that the runoff had to do with Steve's yard. She apologized for the oversight on behalf of the commission.

Lee and Steve agreed to look into it further.

66 Pumpkin Lane

Rose Conway stated that the resident started working within 100ft buffer of Prindle Lake without a permit.

Ed Nowak asked about filing an NOI.

Angela Panaccione stated that she was planning on issuing an enforcement order; however, she was leaving it at the commission's discretion.

Rose Conway explained that the applicant understood that he needed to file for an after-the-fact Notice of Intent.

An Enforcement Order was not issued.

Public Inquiry

Dr. Oakran inquired about the construction on New Spencer Road.

Rose Conway stated that it had been continued to August 16th.

Dr. Oakran showed Rose Conway and Angela Panaccione pictures on his phone of shifting stones.

Angela stated that the stormwater had not been submitted; therefore, the application was incomplete.

The applicant was under the impression that the local stormwater regulations did not apply for subdivisions.

Dr. Oakran asked for advice on what he could do about the shifting land and cracked foundation.

Tom O'Malley asks about the cracked foundation.

Dr. Oakran stated that there was water coming into the garage through the foundation since 2021.

Dr. Oakran states that his property was located at 65 New Spencer Road and that it was the last property that was built in 2014 and he acquired it in 2017.

Ed Nowak stated that he was not an expert, but from a civil matter, Dr. Oakran would have to have a witness to prove that the reason for the cracked foundation was due to improper drainage.

The applicant thanked the commission.

Motion to Adjourn at 8:45pm
Motion made by Tom O'Malley
Seconded by Mitch Dunn

Submitted by: Rose Conway

Accepted by Conservation Commission:

Ron Royer



Jackie Nowak



Ed Nowak

Mitch Dunn

Tom O'Malley
