

CHARLTON CONSERVATION COMMISSION

MINUTES

July 14, 2021

I. Call to order:

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

Tom O'Malley requested a motion to approve the minutes from April 8, April 21, May 19, June 2 and June 16. Robert Hartwig made a motion to approve the minutes. Mitch Dunn seconded it. The motion was voted in unanimous favor.

II. Scheduled Appointments:

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

Haley Marsh introduced herself and stated that since the last meeting, a site walk was performed with Angela Panaccione and Art Allen. She also had addressed all DEP's comments and believed that the group had addressed all pending matters. She requested the issuance of an Order of Conditions.

Angela Panaccione asked if they could provide the cubic feet of flood storage loss or if they would only be able to provide it after the watershed study was done.

John Perry explained that the borderlands were shown on the FEMA studies; they were in the process of conducting their own studies and were confident that the result would be less

extensive than it showed on the FEMA maps. However, if for some reason it would come back more sensitive than expected, they would file to amend the plans and limit of work.

Angela explained that she just needed a number. Richard Kirby suggested putting 0 cubic feet on the Order of Conditions and Notice of Intent.

Angela asked about the route 20 work. Richard explained that the route 20 work would be on a separate Notice of the Intent. The applicant would be filing in the fall after discussing the design with Mass DOT. The NOI would have detailed information about how much flood plan would be filled.

Richard stated that the replacement for the BVW was 500 square feet and the restoration for the flood plan was 3,981 sq. feet. The total flood storage volume for the Route 20 project would be 5,355 cubic feet.

Angela stated that the applicant wished to close knowing that there were still missing information, related to the Route 20 work.

Richard informed that he would inform the commission with the result of the study.

Angela asked if they would need to file a plan with DEP for extending sewer line. Richard Kirby stated that it would be part of the Roadway (Rt. 20) NOI filing.

Thomas 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 of Conditions. 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. Mitch Dunn made a motion to continue the hearing to August 11 at 7PM; Arthur Bellerive seconded. 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

Angela explained that the project was a continuation from the previous hearing. She was waiting for confirmation on Chapter 91 and additional fee. The applicant had provided the additional fee and DEP had confirmed that a Chapter 91 License would be necessary for the project. Angela stated that the applicant would need an approved Order of Conditions to file for

the License. She recommended issuing a Standard Order of Conditions with a special condition: "Chapter 91 License must be submitted to the commission prior to commencing work".

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

23 East Baylies Rd – Jim Fredette

The applicant has filed a Notice of Intent for the construction of a new ramp/driveway to access the rear of the property as well as the removal of 8 trees. Restoration of 596 sq. /ft. of BVW is also included.

Bryan Hill from Land Planning Incorporated represented the applicant. He stated that the wetland scientist could not join the meeting. He explained that his client had gravel delivered to his site and it was placed on the edge of the wetlands and into the wetlands. Bryan acknowledged the issuance of the Cease and Desist Order; he would like to lift it and move forward with the permitting for the proposed project.

He stated that the property had an existing car path that led down to the back of it on the edge of the wetland. In addition, a new shed had been installed within the buffer zone on the north side of the existing car path. Bryan explained that his client wanted to make the ramp less steep and had gravel delivered without applying for a permit. He was now applying for the construction of the ramp, removal of the gravel and restoration of the wetlands, including erosion control and the removal of a few trees.

Angela asked if the shed was also an after-the-fact work. Brian answered yes.

Angela stated that he proposed to send inspection reports monthly for three months. She explained that under the regulations, a wetland scientist would need to provide one report for the replication and restoration every four months for two years until that area was stabilized. She added that in case the proposed original plan to let it naturally re-vegetate failed, he would need to ensure that the plantings would occur appropriately according to the submitted planting plan. Angela would be adding a special condition to the order stating that a wetland scientist must be present on site to assure proper execution.

Richard Grenier from 22 E. Baylies Road came forward. He stated that the property had four sheds. Bryan explained that the sheds were old.

Richard also mentioned that the NOI mentioned 596 square feet for remediation. He did not believe it should be approved without the proper forms.

Angela explained that the NOI had been filed for the construction of the ramp/driveway access to the rear of the property, the removal of trees and the restoration of 596 square feet of BVW.

Richard asked if the commission was ready to approve the NOI or just to enforce the violation.

Angela explained that the requirements of the violation issued last September was to file an NOI for the driveway as well as the wetlands violation. She stated that it had been accomplished thru the filing and supplemental information.

He asked if there would be a peer review; Angela said no.

He noted few mistakes on the submitted plan with wording that did not apply to the project, proposed tree line, which is closer to the house than the existing tree line and slope issues with the grading leading into the wetlands. He had concerns with the runoff into the wetlands.

Bryan Hill stated that the existing gravel car path merges and the stone driveway shown is just a covering on the existing driveway.

Richard did not believe it was a good explanation.

Angela asked regarding the "house 97" wording stated on the plan. Bryan explained that it was a typo.

Angela explained that the stormwater was already going into the wetlands.

Robert Hartwig asked the type of stone.

Angela explained that the grading would make the slope less deep and slow down the stormwater.

Angela stated that the special conditions would require wetlands specialist and environmental monitor to over view the project and supply monthly reports. She recommended issuing a Standard Order of Conditions.

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

258 Brookfield Rd – Leonard Cardinal

The applicant has filed a Notice of Intent for the construction of a garage within the 100ft. Buffer Zone

Angela informed the commission the applicant had requested continuance.

Thomas O'Malley requested a motion. Mitch Dunn made a motion to continue the hearing to August 11 at 7PM; Robert Hartwig seconded. The motion was voted in unanimous favor.

91 Leland Drive – Michael Laundry

The applicant has filed to amend an original Order of Conditions in order to remove an existing retaining wall and replace it in kind as well as the installation of a patio

Angela stated that she performed a site visit and explained that the slop was eroding and causing the retaining wall to collapse. The proposal was to fix the stonewall, add 600 square foot patio and add a new 4ft wall to hold back the slope and prevent erosion.

Ed Nowak asked what materials would be used for the wall.

Kevin Young from Young Landscaping Incorporated stated that the materials would be Interlock blocks.

Angela stated that the amended order would expire on 11/7/2018, but under the COVID19 Order, 492 days were added to it. The order would expire on 2/12/2023.

Thomas O'Malley requested a motion to close the hearing and amend the Order of Conditions. Ed Nowak made a motion to close the hearing; Mitch seconded it. The motion was voted in unanimous favor.

1. Requests for Certificate of Compliance:

DEP File No. 128-1636 – 92 Stevens Park 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. 128-1817 – DRL Capital Partners

Angela recommended not issuing the certificate due to an ongoing violation.

DEP File No. 128-1814 – 1 Stafford St

Angela recommended issuing a Complete Certificate of Compliance.

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

Project Monitoring –

Carpenter Hill Solar Project – third erosion control failure since July. They have reinforced the erosion controls with additional silt fence, straw waddles, check dams and berms; an engineer would be redesigning the basin. She had informed the applicant that fines would be issued if another violation occurred.

Enforcement Order – 180 Sandersdale Road

Angela stated that she requested a wetland scientist to provide a plan to address the riverfront violation. She also stated that there was evidence of a possible beaver dam removal

Maryann DePinto stated that she was hired by the applicant. She informed the commission that she sent a report to Angela regarding the fill in the River Front area and BVW about 110 feet long and 10 feet wide. She recommended removing the fill later when the water level drops so erosion controls could be installed at the edge of the fill. She recommended utilizing a lightweight, low-pressure vehicle, such as a Bobcat. The area would then be re stored.

Angela and MaryAnn DePinto agreed on having a site visit.

Angela requested temporary immediate erosion control installation at the bank to prevent any washout. She also requested permission to conduct a site visit. The applicant stated yes.

Tom O'Malley requested a motion to ratify the Enforcement Order.

Robert Hartwig made a motion; Ed Nowak seconded it. The Motion was voted in unanimous favor.

New Business –

57 Pumpkin Lane

- The commission was informed about stormwater runoff on July 9.
- The activity was being conducted outside the buffer zone, but altered nearby wetlands.
- There were not erosion control installed
- Angela met with the contractor; contractor agreed on installing erosion control

Mitch Dunn had concerns with the driveway and stated that run off would always re occur

34 Pumpkin Lane

- The commission was informed about stormwater runoff on July 9
- The contractor for the project remediated the situation on the same day by reinforcing all erosion controls.

4 Sturbridge Road

- The commission was informed about stormwater runoff on July 9
- Stormwater basin was overflowing with muddy water going directly into Cady Brook
- Angela stated that she still had not received any stormwater erosion control report
- Angela stated that she had requested the engineer to utilize wired sill fence and additional erosion control.in the past, but had not seen them on the site. She stated that the applicant/engineer were not complying with her requests and would like to issue a \$300 fine.
- Tom O'Malley requested a motion to issue a \$300 fine to Ralph Nichols. Robert Hartwig asked if the fine would be issued immediately or after the next violation. After a brief discussion, the commission decided to issue the fine if another violation occurred. Robert Hartwig made a motion; Arthur Bellerive seconded it. The motion was voted in unanimous favor.

Public Hearing adjourned at 8:05PM.

Next meeting date set for August 11 at 7PM

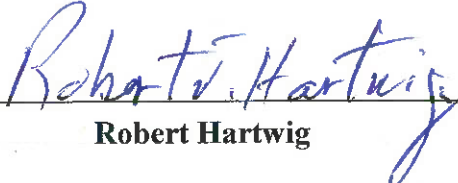
**Submitted by:
Rose Conway**

Accepted by Conservation Commission:


Thomas O'Malley



Arthur Bellerive




Robert Hartwig



Mitch Dunn

Edward Nowak



Ron Royer