

# CHARLTON CONSERVATION COMMISSION

## MINUTES

September 8, 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, James Allen, Angela Panaccione and Rose Conway
  3. Absent: Ed Nowak and Mitch Dunn

### Correspondence

Mrs. Yvette Cormier: "Dear Sirs" I object to the Warehouse Sortation Center being built here in Charlton. We need our wetlands to help keep our earth from overheating. We also need our trees to help with fresh oxygen. Sincerely, Yvette L. Cormier"

### Public Inquiry

Minor Amendment Request - Kerry Laferriere – Removal of five pine trees

Tom O'Malley requested a motion to approve a minor amendment to the original Order of Conditions – DEP File No. 128-1741 to remove 15 pine trees. Arthur Bellerive made a motion; Robert Hartwig seconded it. The motion was voted in unanimous favor.

### Minutes

Tom O'Malley requested a motion to approve the minutes from July 14<sup>th</sup> and August 11<sup>th</sup>. Robert Hartwig made a motion to approve the minutes. James Allen seconded it. The motion was voted in unanimous favor.

### Schedule of next meeting

Angela proposed holding the Public Hearing on the second and fourth week on the month due to conflict with Planning Board.

Thomas O'Malley requested a motion to change the Public Hearings to the second and fourth week of the month. Robert Hartwig made a motion; Arthur Bellerive seconded it. The motion was voted in unanimous favor.

Next Public Hearing was scheduled for September 22 at 7PM.

II. Scheduled Appointments:

**7:00 PM**

**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 Panaccione informed the commission that revisions had not yet been submitted and recommended continuing the hearing to October 13 at 7PM.

Thomas O'Malley requested a motion to continue the hearing to October 13 at 7PM. Robert Hartwig made a motion; Ron Royer 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 that she had visited the site and reviewed the wetland flags. She inquired why the applicant chose the proposed location and not further from the wetlands. Robert Hartwig asked how far the garage was from the wetlands. Angela answered 4ft from the limit of work.

Scott Jordan from Ecotec, Inc stated that the original plan proposed an 18X35 foot building. It has since been reduced to 18X30. In addition, the septic system was to the right of the house limiting the location and any other location would not be aesthetically pleasing.

Angela asked where the materials would be staged. Leonard answered probably on the driveway, but not much material would be needed.

Thomas O'Malley asked if DEP had any comment. Angela answered no.

Thomas O'Malley requested a motion to close the hearing and issue an Standard Order of Conditions.

Robert Hartwig made a motion; Arthur Bellerive seconded it. The motion was voted in unanimous favor.

**23 North Main Street – Raven Home, Inc**

The applicant has filed a Notice of Intent for the construction of a Duplex Residential Home

Angela informed the commission that the application requested continuance for a month.

Thomas O'Malley requested a motion to continue the hearing to October 13 at 7Pm.

Ron Royer made a motion to continue the hearing; Robert Hartwig seconded it. The motion was voted in unanimous favor.

### **25 North Main Street – Raven Homes, Inc**

The applicant has filed a Notice of Intent for the construction of a Duplex Residential Home

Angela informed the commission that the applicant requested continuance for a month.

Angela asked the commission if the local Stormwater Bylaws would be applied to the project. She explained that DEP had comments regarding Stormwater. Comments are below:

“Although a file # is being issued, please note the following:

The subject parcel was created in 2019 and the project proposes alteration of greater than 10% of the on-site Riverfront Area. The applicant should therefore demonstrate compliance with the regulations found in 310 CMR 10.58(4)(d)1 or 310 CMR 10.58(5). It is recommended that the applicant clarify the limit of Riverfront Area alteration on the Site Plans and confirm that this area does not exceed the cited 1,100 sf of RA impact. Removal of vegetation for grading, clearing of trees, or the conversion to lawn to impervious areas meets the definition of alteration as provided in 310 CMR 10.00. The applicant should provide an analysis exploring reasonable alternatives consistent with the regulations found in 310CMR 10.58(4)(c).

This lot is part of a subdivision with at least 5 proposed dwelling units; therefore, the applicant should demonstrate that the project meets the Massachusetts Stormwater Standards to the maximum extent practicable.

The applicant should document how BVW and Riverfront Area were determined (methodology, qualifications of delineator, date, etc.) for this project.”

Angela would like to request the applicant to utilize the NOAA Atlas 14 Rainfall data opposed to the TP40 due to the heavy rain events.

Thomas O'Malley requested a motion to continue the hearing to October 13. James Allen made a motion; Robert Hartwig seconded it. The motion was voted in unanimous favor.

### **0 North Sturbridge Road – Beta Group, Inc**

The applicant has filed to amend an existing Order of Conditions to include a modified roadway layout, an updated phasing plan and a revised stormwater management system

Jonathan from Beta Group gave the commission an overview of the application & project update, including the revisions

- The project had been approved under OOC few years back. The contractor cleared the site. Revised plans had been filed to Planning Board but not ConCom.

Main revisions:

- Layout change – moved additional clearing to accommodate additional panels – outside 100ft buffer zone as well as a secondary access road requested by the Fire Department.
- Stormwater management site revisions:
- utilized the NOAA Atlas 14 Rainfall data
- Accordingly resized some of the basins, increased the capacity of swales and raised the elevations of emergency spillways
- Improved phase-in plan for construction – temporary basins, swales and erosion control measures
- The site was cleared – few erosion control breaches but not runoff into the wetlands with storms

Angela requested clarification on the amount of panels

Jonathan stated that there was a net increase on panels. Originally, it was 5.4 and currently was six (6) panels.

Angela recommended closing the hearing if the applicant was. She asked if Planning Board requested revisions. Jonathan stated that he was not aware of any new re filing requirements from the Planning Board.

Angela mentioned that Planning Board stated in their last meeting that it would require additional changes.

Jonathan would like to close the hearing and follow up with Planning Board.

Tom O'Malley requested a motion to close the hearing and issue the amended Order of Conditions.

Ron Royer made a motion; Arthur Bellerive seconded it. The motion was voted in unanimous favor.

### **53 Sturbridge Road – Bluewater Bay Development Group, LLC**

The applicant has filed a Notice of Intent for the construction and operation of a sortation and appurtenant facilities. Activities proposed within BVW, BLSF, Buffer Zone, Inland Bank, and Riverfront Area

Hillary from Blue Water Property Group provided updates since last hearing

Two updates

- Removed previous proposed infiltration basin on the east side and removed one wetland replication

Angela asked if the existing culvert that crossed the access road and drained into the replication area would be removed and replaced with fieldstone.

Ingeborg Hegemann stated that all debris in the area would be removed, including the culvert, if present.

She discussed wetland replication stating the following:

- Over excavate and back fill with wetland soil
- There will be invasive species management
- Increase hydrology
- Wetland impacts remained unchanged
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Angela suggested starting solarizing the area as soon as possible.

Alex Escamilla from Blue Water stated that the anticipated construction start is March of 2022. Angela suggested making a motion to allow the removal the knotweed pending landowner approval to do the work.

Tom O'Malley requested a motion to allow the applicant clean the area and remove the knotweed pending landowner' approval.

Ingeborg presented the plan depicting the area where there would be blasting/bedrocking removal away from wetlands. She stated that she anticipated excavation of approximately 5 to 8 feet in some areas and 5 to 18 feet in another area.

Angela showed concerns and asked what measures would be put into place to avoid drainage of the wetland upstream

Ingeborg stated that she was proposing the installation of an infiltration basin as well as of check dams, swales, etc.

Angela stated that the response did not address her question

Alex Escamilla stated that they would be following state regulations and the Town's Blasting Policy.

Angela asked where the isolated wetlands were in regards to the blasting. Ingerborg showed their location on the plan.

Ron Royer requested information regarding the total size of the area. Alex stated that it was roughly 400ft by 100ft.

Angela asked they were proposing demolishing the house and anticipating demolishing the dilapidated structure. Alex stated yes.

Stormwater discussion

Angela requested update on the changes regarding the removal of the basins. Hillary explained that they updated the stormwater report. The basins remanded the same as far as their sizes.

However, there were some small modifications to the outlet control structures. There were one modification to the detention basin closest to the infiltration basin. She presented the plan and discussed the adjustments made.

Angela asked where they anticipated entering for the clearing. Hillary stated that they would be utilizing the Sturbridge Road.

Angela asked if they were planning to utilize existing car paths on site as logging road. Hillary stated that the existing car paths would be utilized for the wetland replication construction and management only.

Angela asked if they had a land clearing/ logging plan. Hillary answered yes. She presented the plan to the commission.

Angela requested a land clearing/logging separate plan showing the location of the logging and staging.

James asked how they would be handling the trees – chipped on site or haling out. She did not have an answer at the time.

Angela would check with the Assessor regarding Cutting Plan/Agricultural

Tom O'Malley requested a motion to continue the hearing to 9/22

Robert Hartwig made a motion; Arthur Bellerive seconded. The motion was voted in unanimous favor.

### **80 Sturbridge Road – Kyle Lamica**

The applicant has filed a Notice of Intent for the construction of an attached garage addition and a subsurface disposal system upgrade within the 100ft buffer zone to a BVW and outer riparian zone. All work will take place than 50 ft to BVW. Erosion controls were proposed down gradient of work

Angela stated that she did not have any concerns with the project; she informed that DEP only commented regarding how the wetland was delineated.

She had asked Jay Dubois if it was a raised system. Jay stated that it was not.

Limit of work was 50ft.

Tom O'Malley requested a motion to close the hearing and issue the Order of Conditions.

Robert Hartwig made a motion; Janes Allen seconded. It was voted in unanimous favor.

### **Various-right-of-way – New England Power Company**

The applicant has filed a Notice of Intent (NOI) for upgrade and improvement of existing access roads at various location along V174 transmission line.

Dan Herzlinger from TRC Environmental introduced the project to the commission stating that the proposed plan was mostly line work and maintenance work covered under utilities maintenance exemption; however, there would be various access road improvements.

Dan presented the plan for the proposed road improvements that included:

- Type R Roads – repairing existing road along the right-of-way
- Type I Roads – stones/ fine grading, type two roads
- Type II Roads – required engineering plan/grading and road construction
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Dan stated that they would be preparing a Stormwater Application.

Angela asked wetland mating was not counted as wetland alterations within the report.

Dan stated that the wetland mating was temporary wetland impact and was covered under the Utilities & Maintenance Exemption. Angela requested the information to be sent to her. She recommended continuing the hearing; a site visit was being scheduled for the following week.

Tom O'Malley requested a motion to continue the hearing to September 22 at 7PM.

Arthur Bellerive made a motion to continue the hearing; James Allen seconded it. The motion was voted in unanimous favor.

### **Requests for Certificate of Compliance:**

#### **26 City Depot Road – DEP File No. 128-1817**

Angela performed a site inspection and recommended issuing a complete Certificate of Compliance

Thomas O'Malley requested a motion to issue a Complete Certificate of Compliance. Robert Hartwig made a motion; James Allen seconded it. The motion was voted in unanimous favor.

#### **107 Colburn Rd – DEP File No. 128-1658**

Angela informed the commission that a site inspection had not been performed. The request will be on the next agenda.

#### **278 Stafford Street – DEP File No. 128-1762**

Angela recommended issuing a Complete Certificate of Compliance.

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

### **Project Monitoring**

#### **57 Pumpkin Lane**

Chris McClure stated that the Restoration Plan had been submitted and erosion controls had been installed.

Angela had reviewed the plans and inspected the site. She stated that the contractor had not installed the flock blocks recommended by the engineer.

#### Summary of sediments removal

Scott Jordan from EcoTec stated that he had been to the site few times and had submitted reports containing an impact assessment, a restoration protocol. He share the report results with the commission. Reports are attached.

Richard Watts asked when the restoration would start. Scott answered as soon as the commission gave permission.

Tom O'Malley requested a motion to accept the restoration plan and authorize the restoration to begin.

Arthur Bellerive made a motion; Robert Hartwig seconded it. The motion was voted in unanimous favor.

#### **City Depot Road – Rockaway States Subdivision – DEP File No. 128-1629**

Angela informed the commission that there has been a very extensive wetland violation on the site with sediments ranging from 8 to 20 inches. Tom O'Malley asked if the applicant had submitted a plan. Angela stated that EcoTec would not provide a report and a draft a restoration plan until the engineers prescribed erosion controls to avoid the run off and violations.

Jay Dubois proposed the installation of swales along the side of the road, temporary berm, and temporary retention basin.

Angela requested the implementation of solid temporary constructions BMPs

Jay stated that he would design a plan to be reviewed on site.

#### **106 Carpenter Hill Road – Solar – DEP File No. 128-1643**

Angela updated the commission stating that the intense stormwater construction plan implementation had a positive impact during the past rain events.



## **27 H. Putman Road Extension**

Angela stated that she was waiting for the NOI

## **4 Sturbridge Road – Otis Land Management – DEP File No. 128-1588**

Angela stated that the engineer for the project requested to be on the agenda. However, he was not on the call.

### **Violations**

#### **74 Hill Road**

Angela stated that this violation was outside of the conservation jurisdiction but there was a clear path of sedimentation running directly into McKinstry Brook. She requested a motion to issue an Enforcement Order.

Tom O'Malley requested a motion to issue an Enforcement Order. Robert Hartwig made a motion; James Allen seconded it. Motion was voted in unanimous favor.

#### **23 Robert Blvd**

Angela explained that Daniels Road washed down and the surrounding small roads washed into the lake and/or into various right-of-way. She stated that one property owner shoveled the washed down and unfortunately the wetland area. She explained that she had been working with the resident to address the violation.

In addition, Angela informed that she had a discussion with Lakes & Ponds committee regarding working with South Charlton Lake Association in acquiring a landscaping architect to study the drainage and develop a pilot plan that will be required for MS4.

James Allen stated that there was

Angela explained that under the Federal MS4 Permit, our main impairments are phosphorus and Lakes and Ponds, and our main MS4 areas are surrounding Glen Echo Lake and South Charlton Reservoir. She added that we were required by the EPA to over the next 6 years to reduce the phosphorus and solids from getting into the lakes.

Ron Royer asked if the lake' residents/association would be responsible for it. Angela explained that the Town was responsible for it under the MS4 permit.

Ron Royer stated that it had been on for many years. Angela stated that the requirements from the MS4 Permit was to avoid it from continuing happening.

James Allen mentioned it could be expensive. Angela stated that the EPA daily fines for not complying would cost more.

**1. New/Old Business:**

Discussion of possible donation of Pikes Pond (Continued)

Angela informed that the pond itself was 31 acres and 1.8 acres parcel with a stream.

After discussion, Tom O'Malley requested a motion to recommend the Board of Selectmen to accept the donation. Arthur Bellerive made a motion, James Allen seconded. The motion was voted in unanimous favor.

FMF Committee Re Appointment – Kathleen Walker, Julie Downen, Robert Hartwig,

Thomas O'Malley requested a motion to recommend Kathleen Walker, Julie Downen and Robert Hartwig.

Arthur Bellerive made a motion; James Allen seconded it. The motion was voted in unanimous favor.

Alternate commission member Resignation

The commission adjourned the meeting prior to addressing the last item.


**Meeting adjourned at 9:12 PM**

**Next meeting date set for September 22 at 7pm**

**Submitted by:**

Rose Conway

Accepted by Conservation Commission:



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Thomas O'Malley

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Arthur Bellerive

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Robert Hartwig

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Mitch Dunn



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Ron Royer

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James Allen